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**ASIAN ART MUSEUM –  
CHONG-MOON LEE CENTER FOR ASIAN ART AND CULTURE**

**ETHICAL STEWARDSHIP AND  
COLLECTIONS MANAGEMENT POLICY**

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**Ethical Stewardship and Collections Management Policy**

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## **1.0 Introduction, Guiding Principles, and Ethical Duties**

### **1.1 Asian Art Museum Mission Statement and Ethical Duties Mission**

The Asian Art Museum is a public institution whose mission is to lead a diverse global audience in discovering the unique material, aesthetic, and intellectual achievements of Asian art and culture.

#### **Guiding Ethical Principles and Fiduciary Obligations**

The Asian Art Museum holds its collections, facilities, and programs, as well as its supporting financial assets, in trust for the benefit of the public. Individuals working on behalf of the Museum must clearly understand this and recognize their responsibility, both individual and collective, to sustain and protect this public trust and to always act in furtherance of the Museum's mission and charitable purposes.

Under Section 5.101 of the San Francisco Charter ("Charter"), the Asian Art Museum ("Museum") is a Charitable Trust Department of the City and County of San Francisco ("City") governed by the Asian Art Commission.

The Asian Art Museum Foundation, in turn, is a private nonprofit 501(c)(3) charitable organization that exists to support the development and operations of the Museum.

The Asian Art Commissioners and the Trustees of the Asian Art Museum Foundation, with the support and active assistance of the professional staff, have determined that it is in the best interest of the Asian Art Museum to endorse and subscribe fully to the American Association of Museums Code of Ethics for Museums (2000) as well as A Code of Ethics for Art Museum Directors as Adopted by the Association of Art Museum Directors (2001); and any other such codes or guidelines published by the American Association of Museums or Association of Art Museum Directors, as they may be amended from time to time.

Everyone connected with the Museum, whether they are an Asian Art Commissioner ("Commissioner"), Asian Art Museum Foundation Trustee ("Trustee"), staff member ("employee") or volunteer, is expected to be a person of integrity and high moral principles. Such person must avoid any action that might damage or endanger the name or reputation of the Museum. Everyone associated with the Museum must act with integrity and in accordance with the most stringent ethical principles in order to sustain and protect the public trust.

### **1.2 Director's Artistic Vision Statement**

Our Museum aims to be the best museum in the world for Asian art and culture, and defines the best as being the most dynamic in its artistic and educational programs.

Asia is not merely a cultural geography with specific boundaries and ethnicities. Asia represents diverse ideals and ideas that have global reach and significance. While centered on Asia, our vision is also global: any artistic development that has influenced Asia or has been influenced by Asia is within our purview. We embrace and explore cultural interconnectivity between artistic ideas in Asia and in the rest of the world. This understanding defines the “horizontal” or “spatial” dimension in our artistic vision.

The “vertical” or “temporal” dimension in our vision calls for connecting traditional Asian art to the contemporary. Our Museum is home to one of the most respected collections of traditional Asian art, which provides us core strength and focus as an institution and affords an essential platform and context for exploring contemporary Asian art. In collecting contemporary Asian art, we emphasize connection with our permanent collection. In exhibiting contemporary art, we seek to be the most experimental and the broadest in scope.

The transcendental criteria in selecting exhibition topics are two: strong public appeal and strong scholarly impact. The Museum exists at the interface of the general public and academia, and our primary constituency is the general public. Exhibitions must have strong visual appeal and tell interesting stories to attract visitors, but they must also produce fresh scholarship that enables the public to acquire new, in-depth knowledge. Such scholarship will enhance the field and leave a legacy for future generations. We aim to marry the best scholarship with the strongest public appeal.

Our education and outreach program connects art to life by creating a lively, stimulating environment for learning and by delivering an enriching and enjoyable experience both at the Museum and to the outside world through print and electronic media. Our work must emphasize two features: innovation and partnership. Innovation must be embodied not only in the use of the latest technology but also in the content. Being both a museum and a cultural center broadens our potential for partnership, as we define culture in the broadest sense: the environment that humankind creates for itself within nature. Any topic that is explored in our collection and exhibitions should be within the scope of our programming and partnership with other institutions.

In this globalizing world, Asia has become increasingly a powerhouse in every aspect: political, economic, cultural, and artistic. Asia has become an essential part of American life. Our Museum occupies a unique position both geographically and culturally, being located on the Pacific Rim and serving one of the most diverse communities in the United States. Our institutional vision must translate into two qualities: 1) centrality to the civic life of the San Francisco Bay Area; and, 2) leadership among our peers in the United States, the Pacific Rim, and the world in promoting understanding of Asian art and culture and their interconnectivity with other cultures in the world.

Our Museum has the solid foundation to realize this vision. We must build on our strength, continuing to foster an inspiring, supportive environment that attracts the most qualified professionals and promotes creativity, innovation, and excellence.

### **1.3 Ethical Stewardship and Collections Management Policy Statement of Purpose**

The policies set forth in this Ethical Stewardship and Collections Management Policy (“Policy”), which includes and incorporates the Museum’s Code of Ethics (“Code of Ethics”) by reference as Attachment A, are intended to establish the Museum’s basic ethical standards and responsibilities as a museum and nonprofit educational institution as well as those for the Museum’s Commissioners, Trustees, employees, and volunteers.

The Policy is a document outlining how the purpose of the Museum is carried out through the Museum’s collections activities. The guidelines contained herein define the Museum’s basic ethical responsibilities as a museum and nonprofit educational entity, including the standards for collection stewardship, and act as the cornerstone of all collections activities. They provide consistency and integrity in the day-to-day management of the Museum’s collections and operations.

The Policy is established within the context of the Museum’s purpose; it is interrelated and integral to the Museum’s mission. The purpose of the Policy of the Museum is to clarify the means by which the Museum seeks to fulfill its mission, and to ensure that the collections are properly managed, housed, secured, conserved, documented, and used and that the Museum, in all areas of its operations, acts in accordance with its ethical and fiduciary obligations and in furtherance of its charitable and educational purposes.

This Policy shall be publicly available in accordance with state and local public records laws.

### **1.4 Uses of the Collection and Collection-Related Activities**

The Museum makes its collections available for exhibition, research, education, publication, reproduction, and loan.

The Museum seeks to achieve its mission through the following collection-related activities:

- a. scholarly research;
- b. preservation and expansion of the collections;
- c. interpretation and publication of the collections;
- d. presentation of its own and other collections of Asian art in exhibitions open to the general public in San Francisco and at other national and international venues;
- e. presentation of educational programs such as classes, tours, lectures, artists’ demonstrations, performances, films, and other activities which complement and enhance public understanding of the Museum’s collections; and,



- f. maintenance of accurate and comprehensive records regarding the provenance, exhibition history, transfers of title, import and export, publication history, and curatorial research of objects in the collections.

## **1.5 Compliance with Ethical Stewardship and Collections Management Policy**

Commissioners, Trustees, employees, and committee members or volunteers have an ethical duty to adhere to the Museum's collections management policies. Prudent exceptions to such policies may be granted, on a case-by-case basis, only by the Director of the Museum or by the Chief Curator in the absence of the Director.

## **1.6 Previous Versions of the Collections Management Policy**

This version of the Museum's Policy supersedes previous versions approved by the Asian Art Commission on May 28, 1993, and November 26, 2001.

## **2.0 Governance Authority and Responsibility**

### **2.1 Asian Art Commission**

The Asian Art Commission ("Commission") serves as the governing body of the Museum, which is a Charitable Trust Department of the City Charter Section 5.101. Under Charter Section 5.104, the Commission shall consist of twenty-seven trustees appointed by the Mayor.

Under Section 5.104 of the San Francisco Charter, the Commission shall:

1. Develop and administer that museum which is known as the "Asian Art Museum of San Francisco" or by such other title as may be chosen by not less than two-thirds of the members of the Commission;
2. Control and manage the City and County's Asian art with the Avery Brundage Collection as its nucleus, consistent with the conditions applicable to the Brundage Collection and other gifts;
3. Maintain a charitable foundation or other legal entity for the purpose of developing the Asian Art Museum;
4. Promote, establish and develop an acquisition fund for Asian art objects; and,
5. Collaborate with other groups and institutions to extend and deepen the activities necessary to establish the Asian Art Museum as the outstanding center of Asian art and culture in the western world.

### **2.2 Asian Art Museum Foundation**

The Asian Art Museum Foundation ("Foundation") is a private, nonprofit corporation that exists to assist the Commission in fundraising and to support the Museum's activities. The Foundation seeks to maintain and enhance the collections, exhibitions, and programs of the Museum by securing necessary operating funds and increasing

endowment funds. The number of Trustees shall be not less than fifteen nor more than seventy, with the exact number of authorized Trustees to be fixed initially at seventy, and thereafter, from time to time, by resolution of the Board of Trustees. The Foundation shall promote, establish, and assist in the development of an Acquisitions Fund to be expended for the acquisition of the type of art that the Museum collects.

### **2.3 Acquisitions Committee**

The Acquisitions Committee of the Foundation receives and acts upon the recommendations of the Director and the Curatorial staff by reviewing works of art for acceptance as gifts, for purchase, and for deaccession, making recommendations to the Commission. The Committee has oversight of the acquisitions budget.

The Acquisitions Committee shall meet at a predetermined day and hour, generally quarterly, when possible. The Museum staff shall make objects available for Acquisitions Committee members to examine prior to the meeting at which the Committee will consider such objects. At a minimum, a quorum of the members of the Committee shall review and recommend to the Commission any object proposed for acquisition to the Permanent Collection. The Acquisitions Committee can also accept objects recommended for the Foundation Collection.

### **2.4 Director, Chief Curator, and Staff**

The Director is ultimately responsible to the Commission and the Foundation for stewardship of objects in the collections. The Chief Curator and the Curators-in-Charge of each Curatorial Department are responsible to the Director for the care and maintenance of their collections. In carrying out their collection-related responsibilities, Curators shall utilize the supporting services of other staff members, including Registrars, Conservators, Preparators, and other personnel who have professional responsibilities for collections management and security.

The Registration Office shall act as a single control point to track and record all objects that come in and out of the Museum. It shall be responsible for overseeing objects in storage and for maintaining a comprehensive database of all objects in the collection. The Registration Office shall maintain documents affirming the legal title of objects owned by the Museum, other records relating to objects in the collection, and documents and loan forms relating to objects on incoming and outgoing loans.

The Conservators shall be responsible for assessing the condition of collection objects, for treating objects in the Museum's collections, and for maintaining the physical integrity of each object. They shall carry out their work in accord with the accepted scientific standards and guidelines for practice of their profession, as adopted by the American Institute for Conservation.

### **2.5 Commissioner/Director Relationship**

Under Section 4.102 of the Charter, Commissioners, relative to the affairs of the Asian Art Museum, “shall deal with administrative matters solely through the [Director of the Asian Art Museum] or his or her designees.”

### **3.0 Ethical Duties – Institutional Guidelines**

#### **3.1 Standards of Conduct**

Employment by the Museum is a public trust involving significant responsibility. In all activities, staff members of the Museum are expected to act with integrity and in accordance with the most stringent ethical principles.

#### **3.2 Asian Art Museum Code of Ethics; Covered Persons (Incorporation by Reference)**

In 1983 the Commission adopted a Code of Ethics which establishes minimum standards of conduct for Museum Commissioners, Trustees, employees, and volunteers (“Covered Persons.”) The Commission and Foundation approved and issued an updated Code of Ethics on September 16, 2008. The Code of Ethics includes certain statutory, Charter, and other provisions relating to standards of conduct, conflicts of interest, and other ethical concerns. All employees of the Museum are expected to read and comply with the provisions of the institutional Code of Ethics.

Nothing in this Policy is intended to conflict with the Code of Ethics, as it may be amended from time to time. In addition, for purposes of this Policy, the term “Covered Persons” shall have the same meaning as under the Museum’s Code of Ethics. As noted in Section 1.3 hereof, the Code of Ethics is incorporated herein by reference and included as Attachment A.

#### **3.3 Professional Codes of Ethics and Codes of Practice**

The Museum seeks to carry out its activities with a high degree of credibility and trust. It adheres to standard ethical guidelines which are generally accepted and in use among U.S. art museums.

#### **3.4 Conflict of Interest: Business Dealings, Use of Position, Title, Affiliation, Employment, Information or Name**

As provided in the Museum’s Code of Ethics, Covered Persons have a clear fiduciary obligation to make decisions that benefit the Museum and to act without regard to their personal interests. Covered Persons should not use their position, title, affiliation, employment or access to information about the Museum to further their own financial interests or to derive personal advantage or benefit. The Museum shall carefully scrutinize transactions in which a Covered Person may have a conflict of interest.

Covered Persons shall avoid any action, whether or not specifically prohibited by the Code of Ethics or this Policy, which might result in or create the appearance of affecting adversely the confidence of the public in the integrity of the Museum.

### **3.5 Personal Collecting**

- a. **Policy Statement and Guidelines.** The Museum recognizes that personal collecting of art by Covered Persons encourages interest in, and can deepen knowledge of, Asian Art and advances professional knowledge and judgment. In addition, the Museum has limited funds for acquisitions and, therefore, it is the policy of the Museum to encourage Covered Persons to develop collections in the belief that this may benefit the Museum in the future. Because the acquisition, maintenance and management of a personal collection may create actual or apparent conflicts of interest, the following sections provide specific guidelines that govern personal collecting of art.

The following Policy Statement and Guidelines are based on those in the Museum's Code of Ethics.

#### **POLICY STATEMENT**

**PRIVATE COLLECTING OF WORKS OF ART OF THE TYPE COLLECTED BY THE MUSEUM, BY COMMISSIONERS, EMPLOYEES, AND VOLUNTEERS IS AN APPROPRIATE ACTIVITY, PROVIDED THAT SUCH ACTIVITY RESULTS IN NEITHER THE FACT NOR THE APPEARANCE OF A CONFLICT OF INTEREST WITH THE MUSEUM, AND ITS COLLECTING PROGRAMS.**

1. Covered Persons may not engage in the business of dealing in objects of a type collected by the Museum unless they refrain from participating in, and recuse themselves from, involvement in any Museum transaction involving the sale, acquisition, transfer, deaccessioning or other similar disposition of such objects. Occasional sales or other transactions to upgrade a personal collection are permissible if they are in compliance with other limitations contained in this Code, applicable laws or other policies adopted by the Commission regarding personal collecting. No member of the Acquisitions Committee may be a dealer in Asian art.
2. No Covered Persons shall use his or her affiliation with the Museum to promote his or her personal collecting activities.
3. No Covered Persons may participate in the Museum's decision to accept a donation of an object from that individual, to purchase an object from that individual, or to exhibit an object owned by or in which such person has a financial interest.

4. No Covered Person, or those whose association with the Museum might give them advantage in acquiring an object, shall purchase any object from the Museum except at public auction.
  5. Covered Persons may not use information obtained through their affiliation with the Asian Art Museum, which information may not be available to scholars or the general public, to promote their personal collecting activities or the collecting activities of an associate, member of the employee's family, or household, or corporation, partnership or other business entity controlled, either directly or indirectly, by them.
  6. No Covered Person, or Covered Person's family member may knowingly compete, directly or indirectly, with the Museum for the purchase of works of art of interest to the Museum.
  7. No Covered Person, or Covered Person's family member, may directly or indirectly sell works of art to the Museum except at a price substantially below fair market value, as determined by an independent appraisal, and upon terms approved by the Acquisitions Committee.
  8. The provisions of the Museum's Code of Ethics concerning personal collecting shall apply equally to the spouses, minor children, and any other household members of the Covered Persons. The provisions of the Museum's Code of Ethics' shall also apply to private foundations, corporations, partnerships or other business entity controlled, either directly or indirectly, by Covered Persons.
- b. Notice Requirements. Any employee, Acquisitions Committee member, and any volunteer who functions as a staff member, who acquires by purchase, exchange or sells an object of a type collected by the Museum that may have a value over \$5,000 shall promptly give written notice of such purchase, exchange or sale to the Director, who will also inform the Chair of the Ethics Committee, the Chief Curator, and the Chair of the Acquisitions Committee. Each person receiving a copy of the notice shall acknowledge receipt by date and signature on the face of the notice and return a copy thereof to the person from whom it was received. The dollar amount listed herein may be amended from time to time by resolution approved by the Commission.
1. The notice shall be accompanied by a photograph, details of the acquisition and the purchase price, and other information concerning the object, sufficient to describe and properly identify it. If practical, upon request the object shall be made available to the staff and the Acquisitions Committee for inspection.
  2. Following receipt of the notice, the Acquisitions Committee, after consultation with the Director and the appropriate Museum employees, shall

recommend to the Commission whether or not the object should be acquired for the Museum's collection. The Commission shall act on all recommendations, and notify the person involved of its decision.

3. If the Commission determines that it wishes to acquire the object for the Museum's collection, the employee or volunteer must agree to sell it to the Museum for the aggregate of the price paid for the object and the other reasonable costs of its acquisition.
4. The provisions of 3.5 shall apply to the spouses or domestic partners of all employees and the affected volunteers.
5. The provision of 3.5 shall not apply to objects received through an inheritance or bequest.
6. Regarding gifts, see Section G (Gifts, Favors, Entertainment, Discounts and Dispensations) in the Code of Ethics, as may be amended from time to time.

All information provided under 3.5 shall be kept confidential and shall not be disseminated except as required by law or where necessary to permit the Commission to determine whether or not to acquire the object in question.

### **3.6 Appraisal, Authentication, and Identification Activities**

In accordance with Section I of the Museum's Code of Ethics (Appraisal, Authentication, and Identification Activities):

Appraisal, authentication and statements as to monetary value of objects may be prepared by employees only for internal use by the Museum, such as for insurance valuation of objects temporarily in the custody of the Museum or on loan to other institutions. Such appraisal information may not be disseminated to sources outside the Museum by Commissioners, Trustees, employees, committee members, or volunteers without the approval of the Director.

Qualified Museum employees designated by the Director may perform identification activities as a service to the public on a "Members' Day" or "Public Day" and as approved by the Director. Absolutely no statements, written or oral, as to monetary value of any object shall be made in conjunction with authentication and identification activities.

The Museum has a longstanding policy of not providing appraisals to donors. Under current Internal Revenue Service ("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 (see Section 3.8 (Referrals), below), including the Arts Dealers Association and auction houses. The Museum must provide more than one name. The Museum should not make arrangements for the appraisal and cannot pay for the

appraisal. Upon request, and where applicable, 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.

### **3.7 Referrals**

When Commissioners, Trustees, employees, committee members, or volunteers are asked to suggest sources for objects, materials, or services such as conservation, appraisal, or art transportation services, several reputable suppliers or competent sources should be suggested, where possible, to avoid giving the appearance of an official endorsement by the Museum to any one source.

### **3.8 Confidentiality**

Unless specifically authorized to do so, and except as otherwise required by applicable law, Covered Persons may not disclose any official Museum information which is of a confidential nature or which represents a matter of trust, or any other information of such character that its disclosure might be contrary to the best interest of the Museum. Such information includes the names of donors who wish to remain anonymous; values of art objects; locations of art objects; art movement details; and private, personal, or business-related information furnished to the Museum in confidence.

## **4.0 Legislation Governing Collections Management Activities**

### **4.1 Compliance with Governing Laws**

A body of domestic and international laws and regulations affect how the Museum is governed, how it fulfills its mission, and how it carries out various collections management activities. All collection-related policies and activities shall be guided by appropriate legal interpretations of the City's Charter and Administrative Code, and current federal and state laws, and international treaties to which the U.S. is a signatory.

The Museum shall comply with all relevant U.S. laws, regulations, internal revenue rules, and municipal ordinances, and shall ensure that the Museum's staff members are familiar with and respect the appropriate laws and regulations. In addition, 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, including but not limited to, the National Stolen Property Act (NSPA), the Convention on Cultural Property Implementation Act (CCIPA), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), as they may be amended from time to time.

### **4.2 Standards for Provenance**

Standards of openness, transparency, and due diligence will guide the Museum's approach to issues of cultural patrimony.

The Museum will not knowingly contravene the provisions of UNESCO's 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.

a. Provenance Guidelines for All Acquisitions

The Museum shall rigorously research the provenance of a work of art prior to acquisition to determine that the Museum can obtain clear title. The Museum shall also make a rigorous effort to obtain from sellers, donors, and their representatives all available information and accurate written documentation regarding 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 available import and export documentation.

The Museum's provenance 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.

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 \$5,000 or more and to other purchases as appropriate in the judgment of the Curator, Director, or City Attorney's Office.

b. 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, as it may be amended from time to time) and the American Association of Museums' Standards Regarding Archaeological Material and Ancient Art (approved July 2008, as it may be amended from time to time).

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



1. 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.
2. 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.
3. For works acquired under section 2 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.
4. 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.

## **5.0 Scope of the Collections**

### **5.1 Collection History**

In 1959, Avery Brundage agreed to donate the first part of his vast collection of Asian art to San Francisco on the condition that the City could build a new museum to house it. In 1960, a bond issue was passed by the voters of San Francisco to acquire the collection and to build a facility to house it. Completed in 1966, the new facility opened on June 10, 1966, in a space constructed as a wing of the M.H. de Young Memorial Museum in Golden Gate Park. At that time, the administrative responsibility of overseeing the collection and the building remained with the Board of Trustees of the M.H. de Young Memorial Museum. At the dedication of the new wing, Avery Brundage said, "In presenting this collection to San Francisco my hope is that, together with the facilities of

the region's great universities, it will help San Francisco and the Bay Area become one of the world's greatest centers of Oriental culture.”

In 1969, Avery Brundage made a second challenge to San Francisco to provide an autonomous administration for the collection and operations and to raise \$3 million for acquisitions and education. The agreement between Mr. Brundage and the City in July, 1969, provided for an independent Committee of Asian Art and Culture, whose goal would be to make the Museum the foremost center for Asian art in the Western world. At that point, the institution became an independent entity with its own 27-member governing body (known today as the Asian Art Commission); its own staff, including specialists in Chinese, Japanese, South Asian, Southeast Asian, and Himalayan arts.

A department dedicated to Korean art, the first of its kind outside of Asia, was added in 1989. In 1973 the institution, until then known officially as the Center for Asian Art and Culture, was renamed the Asian Art Museum of San Francisco.

Avery Brundage continued to collect until his death in 1975. He bequeathed his remaining Asian art to the Museum, making the collection one of the greatest in America. In total, Avery Brundage donated more than 7,700 Asian art objects to the City of San Francisco, all housed at the Asian Art Museum. The Museum's collection, which encompasses more than 17,000 objects, includes several notable collections, making it one of the largest museums in the United States devoted to the arts and culture of Asia.

The Museum stayed open to the public at its Golden Gate Park facility until October 7, 2001, when it closed in preparation for the move to a new, expanded facility. The Asian Art Museum—Chong-Moon Lee Center for Asian Art and Culture opened at its current Civic Center location on March 20, 2003.

## **5.2 Collection Scope**

In order to promote the widest possible understanding of Asian art and culture, the Museum collects paintings, sculptures, calligraphies, drawings, inscriptions, rubbings, seals, coins, architectural elements, archaeological material, ethnographic material, prints, photographs, glass, ceramics, metal works, manuscripts and rare books, furniture, textiles, costumes, rugs, puppets, masks, arms and armor, musical instruments, decorative arts, ritual paraphernalia, jades and hardstones, scholar's rocks, lacquer, jewelry and ornaments, modern and contemporary Asian art, and other material deemed appropriate.

The Museum recognizes that while the establishment of priorities is necessary, the availability of significant art objects is limited and unpredictable. Therefore the Museum must be prepared to act promptly and not necessarily in conformity with established priorities and procedures when unanticipated acquisition opportunities arise.

### **5.3 Permanent Collection**

For acceptance into the Permanent Collection, an object must:

- a. have art historical significance, be in good physical condition relative to its age, and meet very high aesthetic standards;
- b. be relevant to the Permanent Collection and consistent with the Museum's goals;
- c. fill a specific need within the Permanent Collection OR open a new collection area consistent with the Museum's purpose;
- d. be of a size and condition such that the Museum can reasonably expect to fulfill its obligation to properly exhibit, store, preserve, conserve, catalog, and protect the object;
- e. be found to comply with the Museum's policies regarding the acquisition of cultural property. The Museum follows the guidelines regarding the protection of cultural properties currently recommended by UNESCO and the American Association of Museums;
- f. be of such type and significance that the Museum may be reasonably sure of using the object in one or more of its programs;
- g. have a legal title that the Museum can firmly establish. Objects should be obtained from reliable sources. The Museum will not acquire any object for the permanent collection until a reasonable effort has been made to ascertain its individual history; and,
- h. be approved by the Chief Curator, the Director, the Acquisitions Committee, and the Commission.

### **5.4 Asian Art Museum Foundation Collection ("Foundation Collection")**

For acceptance into the Foundation Collection, an object must be:

- a. in an exhibitable condition or in a condition that can easily be repaired by in-house conservation department staff;
- b. relevant to the collections and consistent with the Museum's goals;
- c. of a size and condition such that the Museum can reasonably expect to fulfill its obligation to properly store, preserve, conserve, catalog, and protect the object; and,
- d. approved by the Chief Curator, and the Director, with the notification of the Acquisitions Committee.

Foundation Collection objects may be disposed of without going through the formal deaccessioning process. These objects are not covered by the Fine Arts Insurance Policy through the City and require additional insurance as needed.

Objects may be taken into the Foundation Collection temporarily while the Curator or Conservator completes research on the object to determine if it should belong in the Permanent Collection. Objects can be upgraded into the Permanent Collection from the Foundation Collection by going through the standard procedures for Permanent Collection objects.

## **5.5 Teaching Collection**

The Teaching Collection comprises objects whose sole purpose in the context of the Museum is to promote education about the collections by means of workshops, classes, and other hands-on programs. These objects shall not be kept in art storage and shall be the responsibility of the Education Department. Teaching Collection objects do not require approval of the Acquisitions Committee or the Commission.

## **6.0 Acquisitions and Accessions**

### **6.1 Acquisitions**

The Museum shall receive acquisitions by purchase, gift, bequest, transfer, exchange, or conversion of old loans. The objects are first presented to the appropriate Curatorial Department and approved for acquisition by the Chief Curator and the Director. All acquisitions must be placed on the agenda of the Acquisitions Committee.

The Museum shall make its best efforts to provide proper storage, maintenance, and documentation for every new acquisition and protect its collections for the benefit of the public. New acquisitions shall not compromise the Museum's ability to properly store and care for the objects already in its possession.

### **6.2 Gifts and Bequests**

A gift to the Museum is the voluntary transfer of property from one person or organization to the Museum without any financial consideration or other compensation. A Deed of Gift Form signed by the donor(s) is the standard documentation required for acceptance of a gift. The Museum strongly encourages unrestricted gifts or bequests. The benefits of accepting a restricted gift or bequest, in which the donor has made certain requirements, must be weighed against the long-term impact the restrictions will have on Museum operations. The Museum's acceptance of a donated or bequeathed object should not require the Museum to accession the object into the Permanent Collection. When feasible the donor shall be encouraged to include additional resources for housing and caring for the donation(s).

Under Section 5.101 of the Charter, the Commission "may accept and shall comply with the terms and conditions of loans, gifts, devises, bequests or agreements donating works

of art or other assets” to the Museum without action of the Board of Supervisors so long as acceptance of the same entails no expense for the City and County beyond ordinary care and maintenance.

The Museum shall refrain from delivering appraisal and/or tax advice regarding donations and shall encourage donors to seek independent advice regarding appraisals and tax implications of potential gifts.

### **6.3 Gifts for Future Sale**

In some rare cases objects may be accepted for the express purpose of future sale, subject to applicable laws and reporting requirements, including any applicable Internal Revenue Code requirements regarding gifts to the Museum for a use related to the Museum’s charitable purposes. The Museum should encourage donors of such gifts to consult with their advisors regarding the tax treatment of this type of gift and the effect on the amount of their potential charitable deduction. Such objects will not be accessioned into the collection, but will be forwarded to the appropriate venue for public sale.

All proceeds from the sale of art objects donated for that purpose shall be used exclusively for art acquisitions.

### **6.4 Fractional Interest Gifts**

The Museum may, under special circumstances, and with great care, accept a gift of a fractional interest in an object or collection.

Fractional gifts are accepted only if the remainder of the work is a promised gift (“Fractional and Promised Gifts”) accompanied by a legally binding promissory document approved by the Director, Board, and legal counsel. Such promissory agreements should contain provisions stating that the Museum shall have possession of the work as required by law and in accordance with the Museum’s mission. Fractional and Promised Gifts must be presented to the appropriate Acquisitions Committee at the time of the initial gift. The Museum shall assign an accession number to the object upon receipt of the first Deed of Gift, regardless of the size of the Museum’s initial share.

Curatorial Departments shall consider annually whether to exercise their right to possess the Fractional and Promised Gifts in their collections. In making this determination, Curators should evaluate the Museum’s pending educational, research, and exhibition needs as well as the outgoing loan program and the condition of the object. In order to assure that the Museum satisfies its legal requirements regarding the possession of Fractional and Promised Gifts, Curators should work in consultation with the Director’s Office and legal counsel as part of the evaluation process.

### **6.5 Promised Gifts**

A donor may commit to making a gift to the Museum at a future date by signing a Pledge Form for Promised Gift, such form to be reviewed and approved by the Director in

consultation with legal counsel. It is preferable that the gift be in the custody of the Museum. Such gifts will be cared for and insured in the same manner as a loan.

All promised gifts must be completed on or before the date agreed upon in the Pledge Form. The Pledge Form must confirm that the donor intends for the gift to be legally binding and that the donor will not sell, transfer, or otherwise encumber the gift. Should such a gift not be completed during the donor's lifetime, the gift shall be binding on, and completed by, the donor's executors or administrators.

## **6.6 Restricted Gifts**

Except in extraordinary circumstances, the Museum shall make every effort to obtain gifts and bequests without restrictions regarding their display, use, or future disposition.

If an object is accepted subject to a restriction, the parties shall attempt to agree on a reasonable time limit during which the limitation shall apply, for example, twenty-five years or the life of the donor.

## **6.7 Credit Lines**

The Museum maintains guidelines for wording and punctuating credit lines covering the many different circumstances through which works of art enter the collections and the many different types of attributions that are associated with acquisitions. Most acquisitions come to the Museum by gift. Donors are sent a Deed of Gift containing a proposed credit line prepared according to these guidelines. Donors may accept the proposed credit line or suggest an alternate.

Some donors may also ask the Museum to change credit lines for previously donated objects. Requests to change credit lines retroactively will be considered on a case-by-case basis. Standardization of credit lines is an important collection management goal and these guidelines have also been incorporated into the Museum's Style Guide.

## **7.0 Deaccessions and Disposal**

### **7.1 Deaccessioning of Permanent Collection Objects**

If an object previously accessioned by the Museum is no longer wanted, it may be removed from the Museum's Permanent Collection only through a formal process of deaccessioning. Such objects must be removed from the auspices of the Museum in conformity with the process outlined in 7.2 through 7.8, 7.12, and 7.13 of the Policy.

### **7.2 Approval for Deaccessioning of Objects from the Permanent Collection**

An object from the Permanent Collection may be considered for deaccessioning by the Commission only if the deaccessioning is recommended by the Director, the Chief Curator, the Curator-in-Charge of the pertinent department, and two-thirds of the members of the Acquisitions Committee, and two-thirds of a quorum of the Commission.

If the object is approved for deaccessioning, the Acquisitions Committee and the Commission must vote a second time, at least six months after the initial vote, to deaccession the object.

### **7.3 Criteria for Deaccessioning Objects from the Permanent Collection**

Objects may be considered for deaccessioning for the following reasons:

- a. Relevance — If the object does not fall within the scope of the collections, or is not consistent with the purposes, priorities, and areas of interest of the Museum;
- b. Redundancy — If the object is comparable but inferior to another object within the collections;
- c. Physical Integrity — If the object is in such poor physical condition that proper restoration is not feasible, or would render the object essentially false;
- d. Authenticity — If the object is found not to be authentic and has little value for research or educational purposes;
- e. Destructive Analysis — If the object is needed for destructive analysis where the Museum has determined that the potential result outweighs the value of the object to the collections;
- f. Fragments — If the object is found to be a portion of a whole of which other parts belong to another institution; and,
- g. Legality — If the object is determined to have been acquired in a manner contrary to the Museum's acquisitions policy, or if the object is determined to have been illegally exported from its country of origin or place of repose.

### **7.4 Outside Opinions**

For objects estimated by the Curatorial staff to have a fair market value over \$25,000, the Curator-in-Charge shall obtain written opinions from two disinterested outside experts evaluating the object's importance to the Museum.

If the Acquisitions Committee votes to propose the deaccession of the object, the opinions of these two disinterested outside experts shall be recorded in the minutes of the Acquisitions Committee meeting.

### **7.5 Legal Considerations for Deaccessions**

The Museum may deaccession only those objects upon which there are no enforceable donor-imposed restrictions. If, however, the Museum finds that adherence to legal restrictions is impossible or detrimental to the Museum, legal counsel may be asked to evaluate the possibility of either renegotiating with the donor or petitioning the probate court for instructions or to modify or remove the restrictions.

Although there is no legal obligation to notify a donor about the deaccession of an object, the Museum, as a matter of courtesy, should consult the donor, near relatives, or locatable heirs prior to deaccessioning an object.

The original donor shall receive credit on exhibit labels, in publications, and in the Museum's records for objects purchased with the proceeds from the sale of the deaccessioned object.

If an object is deaccessioned, the Museum shall comply with applicable IRS regulations which may require reporting the disposition of the object. The Registrar shall send to the donor or their representative a copy of any form sent to the IRS.

#### **7.6 Acquisition of a Deaccessioned Object by another Public Institution**

If another public institution wishes to acquire an object to be deaccessioned from the Museum's collections, the Museum shall consider making the work available to such an institution. The staff and the Acquisitions Committee shall also give consideration to the transfer, gift, or exchange of objects which have significant cultural, social, historical, or scientific value to another public institution.

#### **7.7 Disposal of Objects Deaccessioned from the Museum's Permanent Collection**

An object may be disposed of, upon recommendation of the Commission, through return to vendor, sale, exchange, or transfer, and in conformance with the principles of San Francisco Administrative Code Sections 2A.155.4 through 2A.155.11. Disposal of works of art by sale shall be by public auction except in those instances where the Commission determines on the basis of written information supplied by the Director, which shall include a statement of the Director's opinion, that:

- a. it is advantageous to the Museum to dispose of the object by some other method; and,
- b. the amount yielded by that method would be no lower than the amount which would be realized through public auction.

#### **7.8 Records of Deaccessioned Objects**

In order that the disposal of objects does not inhibit the advancement of scholarly knowledge, the Registrar shall retain a full file on the object, which may be made available to scholars upon request.

A copy of all catalog and exhibition information, conservation analyses, and study reports shall accompany any object exchanged, sold, or transferred to a public institution, provided that confidentiality is not required.



## **7.9 Disposal of Foundation Collection Objects**

If an object previously accepted into the Foundation Collection is no longer wanted, it should be disposed of and removed from the auspices of the Museum in conformity with the process outlined in 7.10 through 7.13 of the Policy.

## **7.10 Approval for Disposal of Objects from the Foundation Collection**

Upon the recommendation of the Director, the Chief Curator, and the Curator-in-Charge of the pertinent department, any object in the Foundation Collection may be disposed of. Such recommendation does not require a vote of the Acquisitions Committee or of the Commission. Objects recommended for disposal shall be placed on the agenda for the Acquisitions Committee.

## **7.11 Criteria for Disposing of Foundation Collection Objects**

Objects may be considered for disposal for the following reasons:

- a. Relevance — If the object does not fall within the scope of the collections, or is not consistent with the purposes, priorities, and areas of interest of the Museum;
- b. Quality — If the object is of low quality in terms of its aesthetic standard and its art historical or cultural significance;
- c. Redundancy — If the object is inferior to other similar objects within the collections;
- d. Physical Integrity — If the object is in poor physical condition;
- e. Size — If the object is of a size that the Museum cannot reasonably expect to fulfill its obligation to properly store and preserve the object;
- f. Authenticity — If the object is found to not be authentic;
- g. Destructive Analysis — If the object is needed for destructive analysis;
- h. Fragments — If the object is found to be a portion of a whole of which other parts belong to another institution; and,
- i. Legality — If the object is determined to have been acquired in a manner contrary to the Museum's acquisitions policy, or if the object is determined to have been illegally exported from its country of origin or place of repose.

## **7.12 Disposition of Objects Acquired in a Manner Inconsistent with the UNESCO Convention**

If the Museum should come into possession of an object which was exported in violation of the principles relating to cultural property as expressed in the UNESCO Convention, the Museum will, if legally free to do so, seek to return the object to the donor or vendor.

## **7.13 Proceeds from the Sale of all Collection Objects**

Pursuant to San Francisco Administrative Code Section 2A.155.11, proceeds from the sale of works of art owned by the Museum shall be placed in the general art acquisition fund of the Museum and shall not be used for any purpose other than the acquisition of art. The original donor shall receive credit on exhibit labels, in publications, and in the Museum's records for objects purchased with the proceeds from the sale of the deaccessioned object.

## **8.0 Loans**

### **8.1 Outgoing Loan Requests**

In accordance with its mission as a public, educational institution, the Museum may lend objects from its collections to other institutions and agencies for scholarly, educational, or exhibition purposes, provided that it can be reasonably assured that the borrowing institution or agency ("Borrower") can provide an adequate level of care and security. Loans will be approved only to prospective Borrowers who agree to comply with the Museum's written Conditions Governing Outgoing Loans.

### **8.2 Approval of Outgoing Loans**

All requests for the loan of objects belonging to the Museum shall be subject to the approval of the Commission upon the recommendation of the Director, the Chief Curator, Curator-in-Charge of the pertinent department, the Deputy Director for Art & Programs, the Head of Conservation and the Head of Registration.

A written loan agreement provided by the Borrower, to which the Museum may add additional requirements (but requirements that should not be unnecessarily burdensome to the Borrower), will be completed prior to the shipment of these loans and shall govern all outgoing loans. The Registration Department shall make all packing and transportation arrangements, track the return of the loans in a timely manner, and maintain complete records and documentation of all loans.

The Museum may lend objects from its collections only if the Outgoing Loan Approval Form is completed, signed, and dated by the following staff:

- a. The Conservator. The Conservator shall verify that the object(s) can withstand the hazards inherent to travel and display and identify and arrange necessary treatments to stabilize the object(s) for travel for the proposed loan. In addition

they must determine that the Borrower meets all the necessary requirements of the loan per its required completed AAM Standard Facility Report;

- b. The Registrar. The Registrar confirms that there are no conditions or restrictions on the use of the object which preclude the loan and that the Borrower meets all the necessary requirements of the loan per its required completed AAM Standard Facility Report.
- c. The Director, the Chief Curator, and the Curator-in-Charge. The Director, the Chief Curator, and the Curator-in-Charge of the object(s) will determine that there are no conflicting or overriding needs for the objects to remain at the Museum in order to maintain the integrity of the galleries during the time period requested by the Borrower.

### **8.3 Availability of Collection – Objects for Outgoing Loans**

The Museum strongly supports public access to its collections, including access to scholars and researchers, both in the Museum and as part of loans or traveling exhibitions. Accordingly, in addition to displaying its collections at the Museum, the Museum also makes certain works available for outgoing loan. Access must be consistent with the proper care of the object(s) in question. Accordingly, prior to approving an outgoing loan, the Museum must determine that the requested object(s) are stable enough for travel and have clear title and no other legal restrictions that would preclude their loan. Except under exceptional circumstances, the Museum will not lend certain objects which the professional staff determines to have extraordinary historical or aesthetic value to the institution.

### **8.4 Eligible Borrowers**

The Museum may lend to any institution which meets professional standards regarding security, environment, facility, staffing, and procedures. A completed, signed and dated American Association of Museums Standard Facility Report must be provided in advance in order to make a determination. The Museum does not lend to facilities that cannot meet these requirements such as commercial galleries and private residences. Generally loans will only be made to public or private museums or institutions serving an educational purpose. The Museum will only lend objects to which it possesses clear title. Requests to borrow objects on loan or partial or promised gifts will be forwarded to the legal owner for evaluation. As a courtesy the Museum will cooperate with the owner and Borrower in making loan arrangements.

### **8.5 Long-term Outgoing Loans**

Long-term loans, if approved by the Chief Curator and the Curator-in-Charge, may be renewed from one to five years and will be presented to the Commission for final approval.

## **8.6 Fees for Outgoing Loans**

There is an administrative charge levied for all outgoing objects, unless specifically waived by the Director. In the case where the Borrower is requesting a large group of objects a flat fee may be considered. All additional costs associated with the loan such as object preparation, conservation, insurance, packing, shipping, photography, and courier expenses will be paid by the Borrower. The Borrower will be notified in advance of any additional charges. Every attempt will be made to assist in minimizing these charges.

In certain circumstances the Museum may elect to maintain insurance for object(s) from the Museum's collections while it is on loan to another institution. In such cases the Museum will charge the Borrower at the appropriate rate based on the value of the object(s) for the duration of the loan, or will charge an exhibition loan fee.

## **8.7 Incoming Loans (Borrowed Objects)**

All incoming loans are subject to the approval of the Chief Curator and are also subject to all applicable laws, including California Civil Code §§ 1899 – 1899.11. Requests made by a Curator to borrow an object(s) from a private collector or another institution shall be made for the express purpose of display in the galleries. Occasionally loans may be brought in for study purposes. A loan agreement form shall be generated and signed by the lending institution or private party (“Lender”) before any object(s) is received in-house.

In the absence of any specific Lender-imposed requirements, or a release signed by the owner, the Museum will insure incoming loans under the terms of its Fine Arts Insurance Policy. As of January 1, 1992, the Museum does not insure a loaned object(s) against damages occurring as a result of seismic activity, unless the Lender specifically asks to have their loan insurance coverage include earthquake coverage. Staff must not agree to any demands from Lenders which cannot be supported by the Fine Arts Insurance Policy. The Lender will be provided with a certificate of insurance coverage for the lent object(s).

Before any incoming loan is accepted, the following factors must be considered:

- a. the availability of storage or exhibition space;
- b. the condition of the object(s) and its ability to withstand travel;
- c. the costs of transportation, insurance, and conservation, if necessary;
- d. the Lender's restrictions; and,
- e. any problems of provenance or copyright.

No object(s) will be taken in for sale purposes. Curators will be sensitive to situations where the loan may entail either direct or indirect commercial endorsement. The Museum must be reasonably assured that the Lender holds valid title to the object(s).

### **8.8 Loans for Exhibition**

Many incoming loans are borrowed for a period of time specifically for exhibition purposes. The Museum will accept only those objects which meet the following criteria:

- a. the object(s) is described on an agreed upon exhibition checklist;
- b. the object(s) is of a quality commensurate with the exhibition standards of the Museum;
- c. the Curator and the Lender agree upon the information to be presented on display labels and in exhibition catalogs; and,
- d. the Museum can be reasonably assured that the Lender holds valid title to the object(s).
- e. the Museum has determined that there is a clear connection between the exhibition of the object(s) and the Museum's mission, and that the inclusion of the object(s) is consistent with the intellectual integrity of the exhibition.
- f. the Museum retains control over the selection, display and interpretation of the object(s).
- g. the Museum has reasonable assurance that the object or objects being displayed are not anticipated to be sold or otherwise disposed of by the lender in the near future unless in the form of a charitable donation for the public benefit to the museum or another similar institution.

When the Museum borrows an object for exhibition from a dealer or a commercial gallery, the credit line for that object shall not name the dealer or the gallery. Instead the credit line will read "Private Collection" or "Anonymous Loan."

Objects borrowed for a traveling exhibition may be subject to terms under a separate agreement.

### **8.9 Loans from Individuals**

The development and cultivation of strategic relationships with private collectors is a high priority for museum directors to ensure the continued growth, diversification and relevance of the museum's collections and exhibitions. Loans of art, like gifts of art, constitute one of the many benefits that individuals provide to the development of museums and the fulfillment of their public service mission. Many collectors donate additional resources to support scholarship, publications, educational programming, capital projects and administrative expenses. As business and civic leaders, many bring

professional expertise to their role as trustees or advisors to museum boards and committees. As individuals who are not only passionate but knowledgeable about a specific field, they often provide perspective and insight that can assist directors and curators in the display and interpretation of works of art.

To ensure public benefit from loans to museums by private collectors of works from their collections, the museum shall weigh the following questions:

- a. Is the work, in terms of content and quality, consistent with the mission of the museum and the context provided by its permanent collections and programs?
- b. Does the work enhance the educational opportunities provided by the museum to the public?
- c. Does the work bring new art, new knowledge and/or new cultural perspectives to the museum's audiences?
- d. Are there restrictive conditions on the loan that place an undue burden on the museum?
- e. Are the provenance and ownership of the work known and consistent with the museum's requirements for loans?
- f. Is the museum aware of any legal or ethical issues associated with the loan that can be anticipated by the museum or is the loan subject to ownership claims or liens by third parties?
- g. Does the work appear to have the potential to deliver a substantial public benefit that justifies the time and resources invested in its cultivation and development?
- h. When the collector has special knowledge of his/her work and can provide meaningful technical or interpretive support to the museum in exhibiting, publishing or otherwise making the work publicly accessible, is the museum making appropriate use of this knowledge?

#### **8.10 Lender Involvement**

Regardless of the identity of the lender, the museum shall maintain intellectual integrity and institutional control over the exhibition. Museums, as publicly accountable institutions, should take reasonable steps to make their actions visible and understandable to the public, especially where lack of visibility could reasonably lead to appearances of conflict of interest. The museum:

- a. Must retain full decision making authority over the content and presentation of the exhibition.

- b. May, while retaining the full decision making authority, consult with a potential lender on objects to be selected from the lender's collection and the interpretation of those objects in the exhibition.
- c. Should make public the source of funding where the lender is also a funder of the exhibition.
- d. Shall examine the lender's relationship to the institution to determine if there are potential conflicts of interest, or an appearance of a conflict, such as in cases where the lender has a formal or informal connection to museum decision making (for example, as a board member, staff member or donor). This may require withdrawal from the decision-making process of those with a real or perceived conflict, extra vigilance by decision-makers, disclosure of the conflict or declining the loan.

### **8.11 Long-term Loans (Incoming)**

In special circumstances acceptable to the Chief Curator, the Museum may choose to accept incoming loans on a long-term basis, if such objects are needed to fulfill the basic purposes of the Museum. Such circumstances may include extended loan periods for objects considered for acquisition, research, or exhibition, or for partial or promised gifts on loan to the Museum. The Museum will not provide lenders with long-term storage or insurance free of charge. In some cases, however, such services will be provided for the periodic loan of objects considered for acquisition, research or exhibition, and partial or fractional gifts on loan to the Museum. No objects will be taken in for sale purposes. Curators shall be sensitive to situations where the loan may entail either direct or indirect commercial endorsement. The Museum must be reasonably assured that the Lender holds valid title to the object(s). The Registrar will track long-term loans and provide all necessary paperwork to the Lender. If the Curator wishes to keep the loan longer than one year, the loans shall be renewed on an annual basis or in certain cases bi-annually.

Where the Museum accepts loans for an indefinite term<sup>1</sup> or a term in excess of seven years, the Museum must inform the lender in writing at the time of the loan of the provisions of California Civil Code §§ 1899 – 1899.11, as may be amended from time to time (“California Unclaimed Loans Law”). The Museum shall also make an effort to notify all lenders, regardless of loan term, of the California Unclaimed Loans Law.

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<sup>1</sup> Under the California Civil Code, a loan for a specified term becomes a loan for an “indefinite term” if the property remains in the custody of the museum when the specified term expires. California Civil Code § 1899.9(b).

### **8.12 Loans by Special Agreement**

Loans by special agreement are those incoming loans made to the Museum by individuals, other institutions, or support organizations under special loan agreements whose terms deviate from those in the standard loan agreement.

The Commission, and the individual or board(s) of governors of the institution concerned must approve such agreements.

All special agreements shall be made in consideration of the following facts:

- a. the intrinsic value of the collection or object(s);
- b. the physical needs of the collection or objects(s);
- c. the financial burden imposed upon the Museum by the loan;
- d. the staff available for the care and interpretation of the loan;
- e. the administration of the loan;
- f. any restrictions imposed by the Lender; and,
- g. the impact of the loaned material upon the other collections within the Museum.

### **8.13 Return of Loaned Objects**

Generally, the Museum will return loaned objects only to the original Lender and to the location from which the object was originally borrowed.

It is the responsibility of the Lender of objects on loan to the Museum to notify the Museum promptly in writing of any change of address or change in ownership of the property. Failure to notify the Museum of these changes may result in the Lender's loss of rights in the property, as specified in 8.12.

### **8.14 Unclaimed Loans**

In keeping with California Civil Code §§ 1899 – 1899.11, the Museum will make the requisite effort to return unclaimed loaned property to the Lender or the Lender's successor in interest and to follow any applicable notice requirements. The Museum may terminate unclaimed loans, and take any other necessary steps to clarify clear title, in accordance with the procedures specified in California Civil Code §§ 1899 – 1899.11.

Unless the loaned property is returned to the Lender or the Lender's successor in interest, the Museum shall retain for a period of not less than twenty-five years the original or an accurate copy of each notice from the Lender or the Lender's authorized representative regarding the intent to preserve an interest in property or any notice of change in address



or in ownership of the property filed under California Civil Code, Code §§ 1899 – 1899.11.

### **8.15 Objects in Custody**

The Museum will register objects left for identification, consideration for acquisition, exhibition, or research. All objects coming into the custody of the Museum shall be properly receipted upon arrival and placed in art storage. The Registration Department shall monitor objects in this category in the same manner as other incoming loans.

### **8.16 Personal Collections on Museum Premises**

Trustees, employees, and others associated with the Museum shall not bring personal collections into the Museum for storage or any purpose that may be financially beneficial to the owner. Personal items may be used as office decorations at the owner's risk. Such objects will not be registered or monitored by the Registration Department, nor will they be covered under the Museum's Fine Arts Insurance Policy.

## **9.0 Documentation and Collections Records**

### **9.1 Documentation of Collection Objects**

Each object owned by the Museum is a part of history and culture and is enhanced by information that establishes the object's place of origin, age, authorship, and importance. The maintenance of this information and its public availability are critical concerns of the Museum's collections management. It is the Museum's duty to enhance, when possible, and to transfer to posterity, this information.

Accurate documentation and record keeping are essential for the implementation of the Museum's fundamental responsibilities. Collection records for each object are maintained by the Registration Department in manual files and the secured in the collections management database. The manual files contain all documentation for the object such as an accession card, photo, legal documents such as the Deed of Gift, and other material relating to the history and physical condition of the object. The database stores current object information, and object location and location history. There is an ongoing project to add digital images and conservation information to each record.

### **9.2 Records of Location and Physical Condition of Collection Objects**

The maintenance of accurate, up-to-date records on the location and condition of collection objects is a major responsibility of the Museum. The Registration Department will maintain records of the current and past locations of all collection objects, loans, and other objects in its custody in the collections management database. Original condition reports and conservation treatment reports will be retained in the manual object files.

### **9.3 Security of Records**

The manual object files are kept in the Documentation Center, which is a secure area that is only accessible by an electronic card reader by Registration, Conservation, Curatorial, and Image Services Departments. These files are safeguarded from known hazards. No files are allowed to be taken from the Documentation Center. The database is backed-up on a daily basis and the backup data is stored separately and sent offsite weekly. The database can be accessed with a password known only to the user.

### **9.4 Confidential Records**

The following information maintained by the Registration Department is considered privileged, except as otherwise required by applicable laws, and shall not be divulged except to those persons with a right to know as approved by the Curator-in-Charge of the pertinent department, the Registrar, the Chief Curator, the Deputy Director for Art & Programs and the Director:

- a. name of anonymous donors or prior owners;
- b. addresses and contact information for donors, Lenders or prior owners;
- c. location of objects; and,
- d. objects' purchase price, insurance valuation, appraised value, or similar assessment of value.

### **9.5 Object Numbering and Tracking**

Objects in the collections and loans are given a unique identifying number that is placed on the object. Each location in art storage has a specified location code for tracking. All changes to an object's location are tracked with an object movement form. The Registration Department updates all object movement in the collections management database on a daily basis. All Permanent Collection objects are photographed for identification purposes.

### **9.6 Accurate Labeling**

It is the responsibility of the Museum to present the best current information about works of art. Intellectual honesty and objectivity in the presentation of the objects is a professional duty. Major changes in the traditional attribution of objects in the collections, their media, or their authenticity, should be made only with the permission of the Chief Curator or the Director.

### **9.7 Collection Inventories**

The Museum maintains regular inventories of the collections. In addition, the Museum conducts annual random inventories under the supervision of an external auditor. This inventory includes a selection of the objects on display in the galleries and another group

of objects in storage. The Museum's objective is to complete a comprehensive inventory of the collections every ten years.

## **10.0 Care of the Collections**

### **10.1 Public Trust**

The Museum is dedicated to the proper stewardship of its collections and recognizes its legal and ethical obligations to protect its collections which are held in the public trust. All Covered Persons should be aware of their responsibilities to preserve and protect collection objects.

### **10.2 Standards of Care**

The Museum shall act to the best of its ability to adhere to the following guidelines:

- a. to provide a stable environment for objects in storage or on display, and to monitor and retain records of those environments;
- b. to protect objects from excessive light, heat, humidity, and dust (taking into consideration the different environmental needs of various materials);
- c. to protect all objects against theft, fire, and other disasters by a security system, security procedures, and a written disaster plan; and,
- d. to protect objects from the agents of deterioration, as well as to stabilize and treat them, through a program of preventive conservation.

The Museum building was completely renovated and seismically retrofitted with state-of-the-art earthquake mitigation systems prior to its Civic Center location opening in 2003. A full-time Mountmaker is on staff and provides earthquake mitigation in the exhibition galleries for all objects that are considered vulnerable to seismic activity. All objects in the art storage area are also provided with earthquake mitigation.

### **10.3 Exhibition and Storage Environments**

Maintaining a stable museum environment is critical to the philosophy of preventive care that underlies the collections management practices at the Museum. The Museum's internal environment consistently is monitored and controlled throughout the building, with additional monitoring in collections housing and exhibition areas. Temperature, relative humidity, and light are monitored and regulated on an ongoing basis.

### **10.4 Object Handling**

Only those Museum employees in certain specified job classifications, who have been trained and are qualified to handle art objects, are authorized to perform such duties. A select number of volunteers and interns, principally in the Registration and Conservation areas and occasionally in the curatorial department may also be authorized to handle art

objects. All persons handling art will be required to participate in art handling training provided by members of the Museum Services Division.

Staff members authorized to permit individual employees and volunteers to handle art objects include the Curatorial Department, the Deputy Director for Art & Programs, the Head of Registration, the Head of Conservation, the Head of Preparation, and the Director.

### **10.5 Conservation**

- a. The Museum shall provide the necessary preservation, protection, and security for all collections acquired, borrowed, and in the custody of the Museum, including their associated information.
- b. The Museum will balance current research and educational use with the preservation requirements of collection items to ensure that collections are maintained for future generations and rightfully serve their intended purpose.
- c. Any conservation intervention or restoration of collection items must be authorized, documented, and justified for the purpose of preservation or professional scholarship.
- d. Conservation facilities will not be used for non-collections related work or for conservation of privately owned objects, with the exception of objects borrowed for exhibition.
- e. Documentation and procedures for conservation treatments will conform to the standards of the American Institute for Conservation's *Code of Ethics and Guidelines for Practice*.

### **10.6 Pest Control**

The Museum shall maintain an integrated pest management program that covers both public and restricted areas. The Museum facilities will be continuously monitored by a professional pest control operation. All collections areas shall be additionally monitored by collections care staff, and pest control practices in collections areas will be approached with the overall safety and stability of the collections as highest priority. Food is restricted to designated areas of the Museum, and written guidelines are available for floral plant use and non-Museum events.

### **10.7 Off-site Storage**

The Museum stores a small portion of the collections off-site at a secure, climate-controlled facility locally owned and managed by a fine art shipping and storage company. The objects selected to be stored off-site are determined by the size and type of objects and their stability in consultation with the Registration and Conservation Departments.

## **11.0 Access to the Collections and Responsibility to the Public**

### **11.1 Responsibility to the Public; Public Access and Truth in Presentation**

In keeping with its mission statement, the Museum will fulfill its responsibility to educate the public by providing reasonable access to the collections. Such access will be provided in a manner consistent with professional museum practices, which will enable the Museum to meet its outreach obligations to the people of the City without endangering the safety of its collections.

The Museum shall comply with all government regulations concerning access for the disabled to its programs and collections.

The Director, in consultation with the Curatorial and Museum Services Division staff, shall regulate access to those objects which are exceptionally fragile. Reasonable and justified requests for access to objects not on public display shall be coordinated with the Curator-in-Charge of the pertinent department and the Registration Department. The Director may grant exceptions to the access policies.

The Museum recognizes its responsibility to provide an accessible interpretation of the objects in the Museum's collections. The Museum staff will exercise the highest professional standards in conducting thorough research, documentation, and interpretive presentation to ensure the accuracy of information presented to the public. The Museum will use the collections, including reproductions when appropriate, in exhibit contexts that are based in current scholarship and strive to present an authentic portrayal.

### **11.2 Access to Collection Storage Areas and Scholars Study Room by the Public**

The Museum grants access to collections in art storage for the purpose of research and study conforming to the standards of the scholarly disciplines it represents and to individual scholars and members of groups associated with these disciplines.

Access to the collections in art storage is by appointment only. Appointments are scheduled with the Curator-in-Charge or through the Director's Office and coordinated with the Registration Department.

### **11.3 Access to Collections Information**

Written requests for access to the Museum's object files should be directed to the Registration Department. Access to documents is also by appointment only. Student researchers are required to provide a letter of support from a faculty member from their institution who is familiar with their research. Unaffiliated researchers may be required to provide a brief CV with a statement of research objectives. Research requests may be sent by fax, e-mail, or post. Requests to conduct analysis, to publish photographs from the Museum's collections, or for original photography, require separate consideration and are subject to other policies.

#### **11.4 Photography and Filming**

Still photography of objects in the Permanent Collection galleries, taken in existing light, is permitted for personal, non-commercial use. The use of tripods, flash, and video cameras is prohibited. Photography is not permitted in galleries containing special exhibitions. Special permission to photograph or film in the permanent or special exhibition galleries with professional equipment is approved on a case-by-case basis by the Image Services Manager in cooperation with the Marketing Department and the appropriate Curatorial Department. For photography of loans to the Museum, the Lender's permission must be obtained. Photography in special exhibitions is prohibited unless approved by the Lender. Photographs taken in the Museum may not be sold, reproduced, or distributed without written permission from the Museum.

Researchers may photograph objects in storage, conservation, or the Photography Studio for study purposes or personal use only with prior arrangements. Researchers will be asked to sign a photography permission form. They may not reproduce these photographs, publish them in print or on the internet, or use them in any form of media presentation unless permission is granted in written form from the Image Services Manager at the Museum.

#### **12.0 Insurance and Risk Management**

##### **12.1 The Museum's Fine Arts Insurance Policy**

The Museum's Permanent Collection is covered by a fine arts insurance program while on the premises of the Museum, any other location worldwide, and while in transit. The program is procured and managed by the City's Risk Management Department in cooperation with the Asian Art Museum and the Fine Arts Museums of San Francisco. The program covers the Asian Art Museum, the M.H. de Young Memorial Museum, and the Palace of the Legion of Honor, and their satellite premises which includes off-site art storage warehouses, up to certain limits.

The program covers all works in the Permanent and Loan Collections although not necessarily to the aggregate value of the three museums' collections. The program specifies a deductible on losses and damages to the Permanent Collection. For high value special exhibitions that are not covered by the United States Federal Indemnity Program, additional insurance may be obtained as an endorsement to the master program or as a stand-alone Fine Arts insurance policy placement. The Head of Registration and the Deputy Director for Art & Programs are charged with the responsibility of negotiating coverage subject to final approval by the CFO and the City's Risk Manager.

The Museum's collections must be insured while in transit and while in the custody of Borrowers. The Registration Department will administer this insurance and ensure that completed loan agreements and signed receipts are in hand to effect continuous insurance coverage.

In the event of loss or damage, values assigned to objects for loan and insurance purposes must be in line with current fair market values.

### **12.2 Loss Prevention**

The Museum has many policies and procedures in place to ensure that the collections are cared for with the highest possible standards. The Museum provides earthquake mitigation for objects on display and in art storage. The Conservators conduct preventative maintenance on objects to ensure their stability whenever possible. A majority of the collections in art storage are housed in locked cabinets. Art storage can only be accessed by an electronic card key. Only the Registrars, Curators, Conservators, Preparators, Deputy Director for Art & Programs, and the Director have access to the art storage area and the locked cabinets.

No employee may give anyone who is not employed at the Museum any information concerning the Museum's security systems or procedures. Only the Deputy Director for Art & Programs, Security Department Managers, and the Head of Registration may provide such information on a confidential basis to all Lenders of objects to the Museum or institutions that are circulating traveling exhibitions to be shown at the Museum.

### **12.3 Reporting Loss or Damage**

Any possible loss or damage to a work of art should be reported to the Registration Department immediately. The Registration Department will then consult with the Conservation Department and provide condition reports, photographs, and other records to verify the original condition of the object. The damage and/or location where the incident happened will be photographed and documented. If the damage or loss is determined to be new, the Deputy Director for Art & Programs, Chief Curator, and the Director will be notified. Broken parts shall be left untouched and are to be gathered by the Conservator unless the potential for further damage is imminent. A Damage Report Form will be completed by the staff member who discovered the incident. In case of theft or vandalism, the Director will determine which authorities are to be notified. If the works are loans the proper notifications will be made by the Registrar and, where applicable, shall be in accordance with California Civil Code §§ 1899 – 1899.11, as may be amended from time to time.

### **12.4 Insurance Claims**

A Damage Report Form will be completed by the staff member who discovered the incident and then signed by the appropriate staff, Registrar, Conservator, Curator, Director, or Lender if it is a loan.

The Registrar will gather all information regarding the incident and will coordinate and document any claims for losses in conjunction with the City's Risk Management Department. The staff will make its best effort to keep valuations and photo

documentation current. Values assigned to objects for loan and insurance purposes must be in line with current fair market values.

### **13.0 Intellectual Property; Ownership of Original Works of Authorship; Logos and Trademarks**

The Museum owns the copyright for photographs taken by the Museum Photographer of objects in the collection and may license the use of these images to third parties. In addition, the Museum owns the copyright to original works of authorship including scholarly materials developed for the Museum by its staff for exhibitions, programs, and other Museum activities.

#### **13.1 Image Copyright**

Upon acquiring an object the Museum will make a reasonable effort to determine if the object is subject to protection under U.S. copyright law and if necessary, to acquire the permissions necessary to reproduce images of objects in support of regular Museum activities.

- a. If the object is clearly an antiquity or has an established date of creation or first publication that exempts it from copyright protection under U.S. law, the Museum will retain copyright of any images of the object taken by the Museum photographer and may license the use of such images to third parties.
- b. If the object is subject to copyright protection, the Image Services Department will provide a Non-Exclusive License for Copyright to be signed by the copyright holder. The Non-Exclusive License grants the Museum permission to use and reproduce images of the object under copyright in its programs. This license does not assign copyright to the Museum. Copyright remains the sole property of the object's copyright holder.

#### **13.2 Fair Use of Images**

The use of images of copyrighted works taken by the Museum Photographer for Museum purposes, including but not limited to collections management, identification, research, education, and general Museum publicity may generally be considered to constitute fair use under U.S. copyright laws. Non-commercial use by third parties of such images for purposes of research and education may also be considered fair use. The City Attorney's Office is available upon request to assist staff in determining whether a proposed use of a particular image would qualify as fair use under U.S. copyright laws.

#### **13.3 External Image Requests**

Permission to publish images of objects in the collection by external parties will be authorized on a case-by-case basis by the Image Services Department in consultation with the Curatorial Department. The Image Services Department will require external parties to sign an image licensing agreement specifying the images to be used and



detailing the conditions of use. Fees may be charged for this and other image services, such as image research, new photography, transparency rental, slide or print purchase, or provision of publication-quality image files.

For external requests to publish images in which copyright to the underlying object is not held by the Museum and the copyright holder has not authorized the Museum to grant licenses on his or her behalf, the Museum will require the image requestor to receive written publication permission from the copyright holder, or to demonstrate a good faith effort to locate the copyright holder and receive such permission, before releasing images.

### **13.4 Image Archive**

The Image Services Department maintains an object image archive consisting of transparencies, slides, black and white negatives and prints, color prints, and digital files. Transparencies, slides, negatives, and prints are stored in the Documentation Center and are accessible to Registrars, Curators, and Conservators. The digital images are stored in the Photography Studio and can be utilized by staff in consultation with the Image Services Manager. All staff with access to the collections management database may view object images currently uploaded into the database.

### **13.5 Use of Museum Logo and Trademarks**

The use of the Museum logo or trademarks shall be for purposes directly connected with official Museum business and those matters approved by the Director. Any third party requests for use of such logos or trademarks shall be subject to the approval of the Director or his or her designee.

## **14. Museum Store and Merchandise Related to Collections**

The Museum Store, including any satellite or on-line stores, is designed to support and further the Museum's charitable and educational mission by selling high quality materials and reproductions related to the Museum's exhibitions, collections and educational programs, and to provide greater access and information regarding Asian art and culture. All proceeds from the Museum Store are used to further the Museum's charitable purposes. The Museum shall comply with applicable intellectual property laws and legal restrictions in creating and selling Museum merchandise.

### **Signatures**

\_\_\_\_\_  
Dr. Jay Xu, Director

\_\_\_\_\_  
Date

Mr. Dixon Doll, Chair, Asian Art Commission  
and Asian Art Museum Foundation

Date

**Attachment A**

**Code of Ethics**