

**COLLECTIONS MANAGEMENT
POLICY**

THE MUSEUM OF MODERN ART

Approved by the Board of Trustees

June 4, 2024

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MISSION STATEMENT

The Museum of Modern Art connects people from around the world to the art of our time. We aspire to be a catalyst for experimentation, learning, and creativity, a gathering place for all, and a home for artists and their ideas.

COLLECTION COMMITTEES

The Board of Trustees will appoint a committee (the “Trustee Committee”) on the Collection for each curatorial department. The Trustee Committee must approve all recommendations of works of art (or “works”) to be accessioned and deaccessioned from the Collection.

ACQUISITIONS

Principles

All works proposed for acquisition to the Collection should be relevant to the Museum’s stated Mission and should be in, or capable of being returned to, an acceptable state of conservation, unless the physical condition is integral to the meaning of the work. The Museum must be able to house and care for the proposed acquisition according to generally accepted museum practices.

Only works for which legal title can be firmly established should be considered for acquisition. (See “Provenance”).

If a work is not appropriate for acquisition to the Collection, it may be acquired for a study collection. In such cases, the donor should be notified that the work will be acquired for the study collection.

As a general rule, the Museum does not accept gifts that carry restrictions. The same criteria should be used for accepting gifts as for making purchases.

Procedures

Acquisitions to the Collection may be made by purchase, gift, fractional interest gift, bequest, or exchange. All works proposed for acquisition, including works proposed as promised gifts for future acquisition, must first be recommended by the curatorial staff and approved by the Director. The Chief Curators may decide, in consultation with the Director, which gifts offered to the Museum should be recommended for acceptance and which should be rejected. Before a work is acquired by a gift, the donor must be given a copy of this Collections Management Policy and be made aware of New York State’s abandoned property law.

Works recommended for acquisition, whether by gift or purchase, must be approved by the Trustee Committee in charge of the relevant area of the Collection before they are accessioned as part of the Collection. The curators presenting works to the Trustee Committee should outline the reasons why the proposed work is desirable for the Museum, explaining the work’s historical importance, its relation to other works by the same or related artists already in the Collection, and its particular contribution to the Museum’s Collection and Mission in the broadest sense. For acquisitions that include extraordinary costs to bring the work into the Collection, the presentation should detail those costs, including, by way of example and not limitation, outside storage costs, immediate conservation, cataloging, imaging, installation or fabrication or activation expenses for

components of the work, and similar ancillary costs. Whenever possible, the works to be considered should be available to the Trustee Committee for viewing. A majority vote of the committee members present and constituting a quorum is required to approve acquisition of any work.

When timing or other constraints make it impossible or impractical to present a work to the applicable Trustee Committee prior to acquisition, the Chief Curator of each department has the authority to acquire the work, provided:

- It is valued at \$10,000 or less (\$25,000 or less for the Department of Painting and Sculpture) and the Director approves the purchase;
- It is valued at \$20,000 or less (\$50,000 or less for the Department of Painting and Sculpture) and both the Director and the Chair of the applicable Trustee Committee approve the purchase.

In addition, the Director of the Museum is authorized by the Trustees to approve acquisitions in the absence of a committee meeting when holding such a meeting is not feasible, such as at the end of the calendar year.

All works acquired in the absence of a Committee meeting must be reported at the next meeting of the applicable Trustee Committee.

Promised gifts should be presented to the appropriate committee for approval for acquisition at the time that the promise to give the work is made. Although the work will not be accessioned until the gift is actually completed, the promised work will be assigned a "PG" number upon approval by the General Counsel's Office of the legally binding promissory agreement and as directed by the Office of the Registrar.

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 General Counsel's Office. Such promissory agreements should contain provisions stating the requirement that the Museum have possession of the work as required by law and in keeping with the Museum's Mission (See "*Possession of Fractionally Owned Works*" on page 11 for procedures pertaining to possession of Fractional and Promised Gifts). Fractional and Promised Gifts must be presented to the appropriate Trustee Committee at the time of the initial gift. The accession number should be assigned upon receipt of the first deed of gift, even though the Museum's share may be small.

Works acquired for study collections do not require the approval of the relevant Trustee Committee.

It is desirable to consult a conservator with regard to any proposed acquisition before presenting it to the relevant committee. If there is any question about the work's condition, such consultation is mandatory.

If a work has an estimated value of \$35,000 or more or merits a search for other reasons, it must be checked against the records of the Art Loss Register, unless it is directly purchased from or gifted by the artist or satisfactory evidentiary proof demonstrates that the work has no questionable gaps in provenance or has been recently checked with the Art Loss Register. In addition, for works valued at \$35,000 or more, as complete and detailed an account of the work's provenance as can be obtained must be provided to the Director prior to the Trustee Committee meeting. (See "Provenance").

Immediately after the Trustee Committee meeting at which an acquisition is approved, the Registrar, or, with respect to films acquired by the Department of Film, the departmental staff, will assign it an accession number. If the work is by a living artist, whenever possible the artist should be informed and, if appropriate, sent a questionnaire to obtain background and history about the artist and the work. Every effort should be made to obtain a non-exclusive license allowing reproduction of the work for Mission-related or educational purposes.

Complete and accurate records, as set forth in "*Records*," below, must be maintained for all works acquired for the Museum's Collection.

DEACCESSIONING

Principles

Deaccessioning should be considered a key collection stewardship practice. The decision to deaccession should be made thoughtfully and follow generally accepted museum practices. Prior to deaccessioning, circumstances under which the work might be displayed, studied, or appreciated should be considered, including long-term loans to institutions or public spaces.

Works may be deaccessioned for a variety of reasons, including but not limited to the following:

1. The work is not relevant to the Mission of the Museum or has little value in the Museum's Collection.
2. The work is redundant or is a duplicate and is not necessary for research purposes.
3. The work is of lesser quality than other objects of the same type either already in the Collection or about to be acquired.
4. The authenticity, attribution or genuineness of the work is questionable or determined to be false or fraudulent.
5. The work lacks sufficient aesthetic merit or art historical importance to warrant retention.
6. The Museum is unable to conserve the work in a responsible manner or it is determined that it has decomposed.

7. The work is the subject of a claim related to title or provenance that requires its deaccessioning and dispersal.
8. The work has not been on display, loaned or the subject of a publication in the prior 25 years.

All funds received from deaccessioned works which are sold by the Museum shall be used to fund the acquisition or commissioning of other works or the direct care of the Collection in accordance with guidelines set forth below. In all cases, the use of deaccessioning proceeds shall be in accordance with the principles and policies herein.

Works by living artists may be considered for deaccessioning following discussion with the artist, if possible.

If a work is to be deaccessioned, the donor, or in the donor's absence his or her heirs, should be consulted, whenever possible. Precatory restrictions on works should be honored to the extent feasible. If there are questions about the terms of any such restrictions, consultation with the General Counsel's Office is advised. When a work is sold or exchanged, the new work acquired with the proceeds of the sale or by exchange should bear a credit in the name of the donor of the work sold or exchanged.

No member of the Museum's Board of Trustees, staff or those whose association with the Museum might give them advantage in acquiring a work is permitted to acquire, directly or indirectly, a work deaccessioned by the Museum. No Trustee or staff member may benefit from the sale or trade of a work of art from the Museum's Collection. (See "*Code of Conduct*").

Procedures

All deaccession proposals require a majority vote of the curators in each relevant department and approval by the Chief Curator and the Director. To the extent possible, proposals to deaccession a work should include provenance, exhibition history, selected published references, current value, and recommended method of disposal. All deaccession proposals shall be presented to the Trustee Committee.

With the approval of the Trustee Committee, if the proposed work is valued below \$50,000, the work may be deaccessioned. Works approved by the Trustee Committee valued above \$50,000 will be presented to the Board of Trustees.

If the work is valued between \$50,000 and \$100,000, the work will be included in a written summary to the Board of Trustees and circulated in advance of the meeting. At the meeting, the Board of Trustees will vote to deaccession the works listed in the written summary. If the work is valued above \$100,000 or merits special consideration, it will be presented by the Chief Curator (or the Director) to the Board of Trustees for deaccession. Works presented to the Board for approval require a two-thirds majority of the Trustees present at the meeting at which there is a quorum.

Complete and accurate records, as set forth in “*Records*,” below, including photographs, shall be permanently maintained on each work removed from the Collection.

The disposition of a work, whether by sale, exchange, or in appropriate circumstances through gift, should be conducted with a view toward maximizing the advantage and yield to the Museum, reputational or financial, without compromising the highest standards of professional ethics, the Museum's standing, or its responsibilities to the donor and the artist. Deaccessioned works should be offered for sale at public auction whenever possible. However, under certain circumstances it may be more effective to dispose of a work through a private treaty sale, and in such cases, the Chief Curator of the deaccessioning Department may recommend such a sale to the Director. If the Director agrees with the recommendation, the Chief Curator shall obtain at least two (2) written proposals for disposition of the work. The Chief Curator, in conjunction with the Director, will then select from among these proposals.

Works sold for reasons set forth in #4 of the “*Principles*” section, above, must contain full disclosure of the Museum’s current research on the work.

PROVENANCE

The Museum will not purchase or accept as a gift, bequest or loan any work of art it knows or has good reason to believe is of questionable provenance or was stolen or sold under duress. In acquiring works of art for its Collection and in borrowing works for exhibitions, the Museum shall consider and, whenever possible, follow guidelines promulgated from time to time by the American Association of Museums (AAM) and the American Association of Museum Directors (AAMD). The Curator recommending an acquisition or loan must consider the work’s provenance and make all reasonable inquiries to determine (a) that the Museum can obtain clear title if a purchase or gift is contemplated or (b) that a proposed lender has clear title at the time the loan is made.

If it appears that a work of art offered to the Museum for purchase, gift, or loan is of questionable provenance, may be stolen property, or is in the United States illegally, the Chief Curator of the appropriate department must promptly report the pertinent facts to the Director for further investigation and action.

ABANDONED PROPERTY

Loans to the Museum should be periodically monitored and contact maintained with the lender, as appropriate under the circumstances. In rare circumstances, a curatorial department may become aware of an extended loan to the Museum where the lender has not been heard from in 10 years, or a loan for a specified term where the lender has not been heard from for 5 years beyond the end of the loan term. Departments may also identify works abandoned on the

Museum's premises or that have no records reflecting their transfer to the Museum. In all such cases, the Chief Curator of the department should contact the General Counsel's Office for guidance on how to process the property. Curatorial departments should periodically review their holdings for such works.

OUTGOING LOANS

In furtherance of its Mission, the Museum wishes to cooperate with other institutions through a loan program that increases public access to works in the Collection, provided that long-term conservation and the Museum's educational, research, and exhibition needs are not compromised thereby. Loan requests must be evaluated in light of the art-historical and scholarly value of the exhibition for which they are requested, as well as the condition of the work and the need to incorporate it into the Museum's own programs. The borrowing institution must be able to ensure the safety of the loan and a current facilities report must be provided before a loan is approved. All loan requests must be approved by a Chief Curator after consultation with the appropriate Conservation and/or curatorial staff.

Certain works should not leave the Museum except under extraordinary circumstances because of their physical condition or their great importance to the Museum. The Chief Curators may from time to time place restrictions on the loan of certain works which, in the opinion of Conservation and/or curatorial staff, should not be subjected to travel.

All loans should be for a specific period of time and should be documented and monitored by the Registrar and/or by the departmental staff in the Department of Film, as appropriate. Loans must be governed by written loan agreements between the Museum and its borrowers, which should be signed by both parties prior to shipment. Written condition reports should be made for all loans leaving the Museum and photographs should be available for all outgoing loans. Packing, shipping, and courier arrangements must be approved by the appropriate curator in consultation with Registrar and Conservation staff as appropriate.

Long-term loans (those over one year at one location) should be reviewed by the appropriate curator and the Registrar at specified intervals to determine their future status. The condition of these works should be checked on an annual basis.

Complete and accurate records, as set forth in "*Records*," below, must be maintained for all works that are loaned from the Museum's Collection.

INSURANCE

The Trustees should regularly review the type and amount of insurance carried for the Museum's Collection. It is the responsibility of the Chief Curator of each department to determine the insurance value of any work going out on loan. Opinions on current market values of works in the Collection, including the source and date of the opinion and the value ascribed, should be recorded and kept in the loan file.

LOANS TO THE MUSEUM

The Museum should exercise the same standard of care for borrowed works of art as it exercises for its own Collection. In general, the Museum shall consider and whenever possible will adhere to the AAM guidelines on exhibiting borrowed objects.

Except on the advice of the General Counsel's Office, reports on the condition of works of art shall be available only to the owners of such works, and will not be made available for use in the sale of such works.

POSSESSION OF FRACTIONALLY OWNED WORKS

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 work. In order to assure that the Museum satisfies its legal requirements regarding the possession of Fractional and Promised Gifts, Chief Curators should work in tandem with the General Counsel's Office as part of the evaluation process.

CARE OF THE COLLECTIONS

The Museum is entrusted with the preservation of the Collection and works of art on loan and must be guided by an absolute respect for the integrity and conservation of the works of art. Conservation is essential to the stewardship of Museum Collection. Devoting Museum resources to the direct care of the works in the Collection is essential to safeguard and preserve the quality of the works and extend their lifespan. For example, direct care of the Collection ("Direct Collection Care") may include, but is not limited to, providing specialized safe, secure and climate controlled storage and galleries spaces, protecting the works which require it from heat, humidity, theft, visitor handling, fire, dust, excessive lighting, water, pests, physical forces and other elements, as well as providing expert conservation, registration, cataloguing, audio visual, imaging, framing and documentation services.

The Museum should provide appropriate security and fire detection systems and have a written disaster plan.

The Museum should maintain the highest standards of handling, installation and display to preserve the Collection.

The Conservation department and the Film Conservator are charged with the long-term preservation of the Collection through hands-on restoration and the development of wide-ranging preventive strategies. The Conservation department should maintain exact documentation on all examination and treatment work and provide copies of these records to the curatorial departments.

RECORDS

The Museum, through its curators, Registrar and Conservation department, will maintain accurate, up-to-date records on the identification, location and condition of all works in the Collection and appropriate records of deaccessioned works, as well as of ongoing activities such as exhibitions, loans, and research and correspondence with donors, artists and scholars. These records should be kept in an organized, coherent filing system and should be referred to the Museum Archives on a regular basis.

In particular, these records should include at least the following, where the information is reasonably available: 1) the name, address and phone number of the person or institution from whom a work was acquired or to whom it was deaccessioned or loaned; 2) a description of the work; 3) with respect to works still in the Collection, the work's current location; 4) the terms and any other material facts regarding the acquisition, deaccession or loan of a work; 5) a copy of the document conveying the work to or from the Museum; and 6) if the work was accessioned or sold pursuant to New York's abandoned property law, copies of all search and notices generated in compliance with that law.

In addition, the Museum will maintain files that include a work's registration number (accession number or temporary receipt number), legal status of the works (e.g. whether the object is temporarily in the custody of the Museum, on loan, or owned by the Museum, and, if owned, whether title was acquired by gift, bequest, purchase, transfer, or exchange), activity and history of the work within the Museum (e.g. transfer of stewardship between departments and record of their movement at all times), loan and exhibition history, and exact credit line at time of acquisition.

All records created or received in the transaction of the Museum's proper business are the property of the Museum and must not be dispersed or destroyed except in accordance with its records retention policy. The Museum will review inactive records and will, as appropriate, transfer those of continuing interest to the Archives, maintain them for reference use elsewhere in the Museum, or discard them in accordance with Museum policy.

The Museum shall make available to authorized persons (including qualified researchers and scholars) materials relating to the Collection and incoming and outgoing loans unless they are confidential or would suffer physical harm if handled.

The Museum's Collection must be inventoried under the supervision of the Registrar, or in the case of Film, under the supervision of the Film Collection Manager, as well as periodically by Chief Curators, and the resulting inventories must be maintained, corrected, and updated on a continual basis.

ARCHIVES

The purpose of the Museum Archives is to document the origin, development, activities, and achievements of the Museum. In fulfillment of this Mission, the Archives will collect, preserve, and make accessible Museum records of enduring value and will coordinate a records management program for the orderly disposition of the ongoing records of the Museum. The Archives collects records, including personal papers, oral histories and sound recordings relevant to the Museum's history.

Records will be processed and stored with attention to standard preservation protocols. The Archives will ensure reasonable reference service to staff and other qualified researchers. Records will be as open for research as possible. In general, restrictions will be imposed only on certain sensitive documents or series, particularly those relating to Trustee activities, current transactions, and personnel matters, in order to protect privacy rights and the interests of the Museum.