



The Walters Art Museum Acquisitions and Accessions Policy

December 2011

From the Director

The Walters Art Museum Acquisitions and Accessions Policy is informed by the museum's commitment to:

Due Diligence – The acquisition of a work of art shall be conducted with full and rigorous investigation and documentation of the work's provenance and authenticity;

Transparency – The work, whether gifted, purchased or received as a long-term loan and/or planned gift, shall be promptly published on the Walters' website and on the Object Registry of the Association of Art Museum Directors (aamdojectregistry.org);

Good Faith Engagement – The museum shall promptly and openly respond to any plausible claims for repatriation of the work from possible source countries.

Gary Vikan, Director, The Walters Art Museum

1. PREAMBLE

1.1 This policy statement defines the process of decision-making and the procedures to be followed for the acquisition and accession of works of art for the collection of the Walters Art Museum (“the Museum”). This policy should be read in conjunction with the *Walters Art Museum Deaccession Policy* and *Incoming Loan Policy*.

1.2 The collection is central to the mission of the Museum, and, for this reason, its integrity and development is a fundamental responsibility of the Museum’s Trustees and staff.

The Walters Art Museum’s Act of Incorporation (Laws of Maryland, Chapter 217 [signed into law, 1933]) stipulates in section 4 that the **“Board [of Trustees] shall, generally, have all powers with respect to the affairs of said corporation which are conferred by the Public General Laws of Maryland upon the directors or managing bodies of Maryland corporations. And the power of the corporation shall include the power to acquire, hold, manage, sell, exchange, encumber or otherwise dispose of any property, real, personal or mixed; and to accept any grant, gifts, devises or bequests made to said Corporation, absolutely, or in trust, for any of the purposes of said Corporation, or for any purposes germane thereto, and to execute such trusts.”**

The power to acquire works of art ultimately rests in the hands of the Museum’s Trustees. Since the incorporation of the Museum as the Walters Art Gallery in 1933, the Trustees have delegated recommendation authority for acquisitions to the professional staff, while maintaining final approval authority themselves.

1.3 This policy is guided by:

- The UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970 (accepted by the United States in 1983) <http://portal.unesco.org/en/ev.php-URL ID=13039&URL DO=DO TOPIC&URL SECTION=201.html>
- The Association of Art Museum Directors (AAMD), “Report of the AAMD Task Force on the Spoliation of Art during the Nazi/World War II Era (1933-1945),” 1998 <http://www.aamd.org/papers/guideln.php>
- The American Association of Museums (AAM), “Code of Ethics for Museums,” 2000 <http://www.aam-us.org/museumresources/ethics/coe.cfm>

- The American Association of Museums (AAM), “Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era,” 2001
http://www.aam-us.org/museumresources/ethics/nazi_guidelines.cfm
- The Association of Art Museum Directors (AAMD), “Report of the AAMD Task Force on the Acquisition of Archaeological Materials and Ancient Art,” 2004
http://www.aamd.org/papers/documents/TaskForceReportwithCoverPage_Final.pdf
- The Association of Art Museum Directors (AAMD), “Report of the AAMD Task Force on the Acquisition of Archaeological Materials and Ancient Art,” revised 2008
<http://www.aamd.org/newsroom/documents/2008ReportAndRelease.pdf>
- The American Association of Art Museums (AAM) “Standards Regarding Archaeological Material and Ancient Art” 2008
<http://www.aam-us.org/museumresources/ethics/ethics-archaeology.cfm>

1.4 This policy supersedes the accessions/acquisitions policy approved by the Board of Trustees November 2010.

1.5 A copy of this policy shall be made publicly available and posted on the Museum’s website.

2. PURPOSE

2.1 The Museum is internationally renowned for its collection, which was amassed substantially by William Walters (1819-1894) and Henry Walters (1848-1931). It preserves and develops for the public trust a distinguished collection of world art from antiquity to the 20th century.

2.2 The Museum seeks to strengthen its permanent art collection through the acquisition by gift, bequest, or purchase in the following fields: ancient art, medieval art, manuscripts and rare books, Renaissance and Baroque art, 18th, 19th- and early 20th- century art, Islamic art, Asian art, and art of the ancient Americas; these were the fields represented in the collections of Henry Walters and his father, William. Collecting in areas outside these disciplines must be considered in light of the Museum’s mission for its collections overall.

3. PRINCIPLES

3.1 All acquisitions are to be guided by the policies set forth in 1.3 above and Section 4 (Ethics and Guidelines) below.

3.2 All items must have free and clear title. For the purposes of this policy, “free and clear title” means that there is no outstanding lien, encumbrance, mortgage, security interest or other hypothecation of an interest in the item, and there is no outstanding legal claim (pending or threatened), financial or otherwise, involving the item to be acquired.

3.3 Gifts of works of art are accepted on an unrestricted basis, unless previously agreed upon in writing. Gifts will not be accepted that are offered subject to conditions that are regarded as unreasonable or unduly onerous. As a general principle gifts are acquired by the Walters as unrestricted with few exceptions. As part of the procedures for accepting works of art into the collection, the Museum asks donors to complete a Deed of Gift indicating that works are offered and accepted as unrestricted gifts, unless otherwise agreed in writing. (An **unrestricted gift** is a gift made to the Museum of a work or works of art by a donor with no intention to govern the terms or conditions under which the work(s) is used or displayed at the Walters. A **restricted gift** is a gift made to the Museum of a work or works of art by a donor with the intention of governing the terms and conditions under which it is used or displayed at the Walters.)

3.4 To the extent feasible, all acquisitions shall include the transfer of all intellectual property rights, including but not limited to copyright, in and to the work being acquired.

3.5 The Museum makes a formal distinction between an *accession* and an *acquisition*. In this document, the verb “acquire” is used generically to describe the process by which the museum obtains works of art. The noun “acquisition” is used as a generic term both for works of art obtained by the museum and for the act of obtaining these works of art. Technically, works of art obtained by the Museum formally enter its collections either as accessions for the permanent collection or as non-accessioned acquisitions. Works of art may also be held in trust by the Museum as long-term loans in accordance with the Museum’s *Incoming Loan Policy*.

3.6 To qualify for *accession* into the permanent collection, a work of art must be of outstanding artistic quality and/or art historical significance, and must enhance the Museum's collection. (“Accessioning is the formal process used to accept and record an item as a collection object.... The word *collection* implies permanence; so should the word *accession*. A museum should accession only those objects it intends to retain for the

foreseeable future.”) Marie C. Malaro, *A Legal Primer on Managing Museum Collections* (2nd Ed.), Smithsonian (1998), p. 60.

3.7 The value or potential value of a work of art to one or several of the Museum’s audiences must be taken into consideration.

3.8 The physical condition and appropriateness for exhibition of a work of art must be taken into consideration.

3.9 The ability of the Museum to properly store and care for a work of art must be taken into consideration.

3.10 For accessions made by purchase, the Museum should establish that the purchase price for a work of art compares favorably with current market values for comparable objects.

3.11 Certain works of art deemed inappropriate for accession into the permanent collection may be accepted as gifts for study purposes, as incidental decoration for public or office spaces, or as non-accessioned unrestricted gifts that may be sold. These works are not formally accessioned, but the Registrar’s Department tracks their status as non-accessioned acquisitions.

3.12 The Museum shall thoroughly research the ownership history of archaeological materials or works of ancient art prior to their acquisition, including making a rigorous effort to obtain accurate written documentation with respect to their history, including import and export documents. AAMD Task Force 2008 (Guidelines, II.A). As per the AAMD Task Force 2004 (Guidelines II.A.1) such research will include, but will not necessarily be 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 of ownership of the work of art have been made
- whether the work of art appears in relevant databases of stolen works
- the circumstances under which the work of art is being offered to the Museum
- the authenticity of the work of art
- whether acquisition of the work raises any specific known legal compliance or ethical considerations and

the Museum shall obtain:

- a signed Seller's Warranty and Indemnification as well as a Seller's Provenance Questionnaire or a Donor's Provenance Questionnaire (as per 3.13)

3.13 The Museum shall require sellers, donors, and their representatives to provide all information of which they have knowledge and documentation that they possess, related to the work being offered to the Museum, as well as appropriate warranties regarding the origins and provenance of a work of art offered for acquisition. AAMD Task Force 2004 (Guidelines, II.A.3), AAMD Task Force 2008 (Guidelines, II.C) and AAM Standards 2008, paragraph 2. When the work is being imported into the United States in connection with its acquisition, import documentation shall be obtained and compliance with export laws of the country of immediate past export to the United States shall be confirmed. AAMD Task Force 2008 (Guidelines, II. B.) The Museum shall comply with all applicable local, state, and federal U.S. laws, most notably those governing ownership and title, import, and other issues critical to acquisition decisions. AAMD Task Force 2008 (Guidelines, II.D).

3.14 The collections of the Walters Art Museum may be refined periodically through careful deaccessioning, a process governed by a separate policy. Funds derived from the disposal of accessioned works of art must be used to purchase other works of art within the same collection area as deaccessioned items, to facilitate their acquisition and/or contribute to the museum's ability to exhibit them (collection areas are listed in section 2.2 above).

4. ETHICS AND GUIDELINES

4.1 Antiquities and Ancient Art

4.1.1 The November 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import and Export and Transfer of Ownership of Cultural Property (the "UNESCO Convention") began a new dialogue about the best ways to protect and preserve archaeological materials and ancient art, although regrettably the looting of sites, destruction of monuments and theft of objects continue to this day. The Museum, in keeping with AAMD guidelines, and along with others in the international community, including source countries, recognizes the date of the Convention, November 17, 1970 ("1970"), as providing the most pertinent threshold for the application of more rigorous standards to the acquisition of archeological materials and ancient art as well as for the development of a unified set of expectations for museums, sellers and donors. AAMD Task Force 2008 (Principles, E.)

4.1.2 The Museum's goal is to preserve, display, and interpret our shared cultural heritage in the interests of the public. AAMD Task Force 2008 (Statement of Principles, [I.A]).

4.1.3 The Museum is committed to the responsible acquisition, whether by purchase, gift, bequest or exchange, of archaeological materials and ancient art. AAMD Task Force 2008 (Statement of Principles, [I.A]). The Museum is committed to the principle that acquisition be made according to the highest standards of ethical and professional practice, in accordance with applicable law and in such a way that it does not provide a direct and material incentive to looting. AAMD Task Force 2008 (Statement of Principles [I.C]). The Museum is further committed to the exercise of due diligence in the acquisition process, in particular in the research of proposed acquisitions, transparency in the policy applicable to acquisitions generally, and full and prompt disclosure following acquisition. AAMD Task Force 2008 (Statement of Principles, [I.D]). The Museum's acquisitions decisions shall be guided by strict adherence to all applicable laws, ethics codes and museum policies, including **the Walters Art Museum's Acquisition and Accessions Policy**, the **American Association of Museums (AAM) Standards Regarding the Acquisition of Archaeological Materials and Ancient Art (July 2008)**, and the **American Association of Museum Directors (AAMD) Report of the AAMD Task Force on the Acquisition of Archaeological Materials and Ancient Art (2004, revised 2008)**.

4.1.4 The item to be acquired must have free and clear title. For the purposes of this policy, "free and clear title" means that there is no outstanding lien, encumbrance, mortgage, security interest or other hypothecation of an interest in the item, and that there is no outstanding legal claim (pending or threatened) financial or otherwise, involving the item to be acquired.

4.1.5 The Museum shall comply with all applicable local, state, and federal U.S. laws, most notably those governing ownership and title, import, and other issues critical to acquisition decisions. AAMD Task Force 2008 (Guidelines, II.D). The law relevant to the acquisition of archaeological materials and ancient art has become increasingly complex and continues to evolve. Since the status of a work under foreign law may bear on its legal status under U.S. law, it is important to be familiar with relevant U.S. and foreign laws before making an acquisition. AAMD Task Force 2004 (Guidelines, II.C.1). Members of the board, staff, and volunteers who participate in the acquisition and management of the Museum's collections should be knowledgeable concerning the legal compliance requirements and ethical standards that pertain to antiquities and archaeological materials, as well as the collection policies and practices of the Museum. AAM Standards 2008, paragraph 5. In the event that legal or ethical issues arise, legal counsel should be sought.

4.1.6 The Museum shall thoroughly research the ownership history of archaeological materials or works of ancient art prior to their acquisition, including making a rigorous effort to obtain accurate written documentation with respect to their history, including import and export documents. AAMD Task Force 2008 (Guidelines, II.A). As per the AAMD Task Force 2004 (Guidelines, II.A.1) such research shall include, but shall not necessarily be 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 of 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
- the authenticity of the work of art
- whether acquisition of the work raises any specific known legal compliance or ethical considerations and

the Museum shall obtain:

- a signed Seller's Warranty and Indemnification as well as a Seller's Provenance Questionnaire or a Donor's Provenance Questionnaire (as per 4.1.7)

4.1.7 The Museum shall require sellers, donors, and their representatives to provide all information of which they have knowledge and documentation that they possess, related to the work being offered to the Museum, as well as appropriate warranties regarding the origins and provenance of a work of antiquity or ancient art offered for acquisition. AAMD Task Force 2004 II.A.3), AAMD Task Force 2008 (Guidelines, II.C) and AAM Standards 2008, paragraph 2. When the work is being imported into the United States in connection with its acquisition, import documentation shall be obtained and compliance with export laws of the country of immediate past export to the United States shall be confirmed. AAMD Task Force 2008 (Guidelines, II. B.)

4.1.8 The Museum normally shall not acquire a work of antiquity or ancient art unless provenance research substantiates that the work was outside of its country of probable modern discovery before 1970 or was legally exported from its probable country of modern discovery after 1970. AAMD Task Force 2008 (Guidelines, II.E).

4.1.9 However, the Museum recognizes that even after thorough research (as per 4.1.6), many works will lack a complete documented ownership history. In some instances, an informed judgment may indicate 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 can be acquired. In other instances, 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, may allow the Museum to make an informed judgment to acquire the work, consistent with the Statement of Principles set forth in Section 1 of the 2008 AAMD Task Force Report, which is incorporated by reference herein, AAMD Task Force 2008 (Guidelines, II.F, paragraph 1). In both instances (4.1.8 and 4.1.9) the Museum acknowledges that it must carefully balance the possible financial and reputational harm of taking such a step against the benefit of collecting, presenting, and preserving the works in trust for the education benefit of present and future generations. AAMD Task Force 2008 (Guidelines, II.F, paragraph 2).

4.1.10 Once an object has entered the Museum as an acquisition, or an accession, or has been received as a promised gift and/or long-term loan (see Walters Art Museum *Incoming Loan Policy*) the Museum shall promptly publish, in print or electronic form, an image (or representative images in the case of large groups of objects) and relevant provenance information, thus making this information readily available to all interested parties. AAMD Task Force 2008 (Guidelines, II.E.) The Museum shall also prominently post on the AAMD Registry of New Acquisitions of Archaeological Material and Works of Ancient Art an image of and the information about the work and all facts relevant to the decision to acquire it, including its known provenance. AAMD Task Force 2008 (Guidelines II.F, paragraph 3) (<http://aamdojectregistry.org/Antiquities>).

4.1.11 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, as has been done in the past. 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, as has been done in the past. AAMD Task Force 2008 (Guidelines, II.G). Competing claims of ownership that may be asserted in connection with objects in the Museum's custody shall be handled openly, seriously, responsively, and with respect for the dignity of all parties involved. AAM Code of Ethics, 2000 (Collections).

4.2 Nazi-era Provenance

4.2.1 The ethics and guidelines outlined above are equally applicable to objects with **Nazi-era provenance**. However, the principles guiding the acquisition of objects falling into this category are treated separately here in order to ensure that the Museum shall take all reasonable steps to resolve the Nazi-era provenance status of objects before acquiring them whether by gift, bequest, purchase, or exchange. The Walters follows the AAM's General Principles on objects appropriated during the Nazi-era by defining objects with Nazi-era provenance as: "objects that may have been unlawfully appropriated during the Nazi era (1933-1945) as a result of actions in furtherance of the Holocaust or that were taken by the Nazis or their collaborators. For the purposes of these guidelines, objects that were acquired through theft, confiscation, coercive transfer, or other methods of wrongful expropriation may be considered to have been unlawfully appropriated, depending on the specific circumstances," American Association of Museums (AAM), "Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era," 2001 (hereafter "AAM Nazi Era Guidelines").

4.2.2 Standard research on objects being considered should include a request that the sellers, donors, or estate executors offering an object provide as much provenance information as they have available, with particular regard to the Nazi era. (AAM Nazi Era Guidelines I.a).

4.2.3 Where the Nazi-era provenance of a proposed acquisition is incomplete or uncertain, the Museum shall consider what additional research would be prudent or necessary to resolve the Nazi-era provenance status of the object before acquiring it. Such research may involve consulting appropriate sources of information, including available records and outside databases that track information concerning unlawfully appropriated objects. (AAM Nazi Era Guidelines, I.b.).

4.2.4 In the absence of evidence of unlawful appropriation without subsequent restitution, the Museum may proceed with the acquisition. Currently available object and provenance information about any covered object shall be made public as soon as practicable after the acquisition. (AAM Nazi Era Guidelines I.c).

4.2.5 If credible evidence of unlawful appropriation without subsequent restitution is discovered, the Museum shall notify the donor, seller, or estate executor of the nature of the evidence and shall not proceed with acquisition of the object until taking further action to resolve these issues. Depending on the circumstances of the particular case, prudent or necessary actions may include consulting with qualified legal counsel and notifying other interested parties of the Museum's findings. (AAM Nazi Era Guidelines I.d).

4.2.6 It is acknowledged by the AAM that under certain circumstances acquisition of objects with uncertain provenance may reveal further information about the object and may facilitate the possible resolution of its status. In such circumstances, the Museum may choose to proceed with the acquisition after determining that it would be lawful, appropriate, and prudent and provided that currently available object and provenance information is made public as soon as practicable after the acquisition. (AAM Nazi Era Guidelines I.e).

4.2.7 The Museum shall document its research into the Nazi-era provenance of acquisitions. (AAM Nazi Era Guidelines I.f).

4.2.8 Consistent with current practices in the museum field, the Museum shall publish, display, or otherwise make publicly accessible all recent acquisitions, accessions, promised gifts, and long-term loans, thereby making all such objects available for further research, examination, and public review and accountability. (AAM Nazi Era Guidelines I.g). (See also Walters Art Museum *Incoming Loan Policy* for treatment of long-term loans).

4.2.9 The Museum shall address claims of ownership asserted in connection with objects in its custody openly, seriously, responsively, and with respect for the dignities of all parties involved. Each claim shall be considered on its own merits. (AAM Nazi Era Guidelines, 4).

4.2.10 The Museum shall review promptly and thoroughly a claim that an object in its collection was unlawfully appropriated during the Nazi era without subsequent restitution. (AAM Nazi Era Guidelines, 4.a).

4.2.11 In addition to conducting its own research, the Museum shall request evidence of ownership from the claimant in order to assist in determining the provenance of the object. (AAM Nazi Era Guidelines, 4.b).

4.2.12 If the Museum determines that an object in its collection was unlawfully appropriated during the Nazi era without subsequent restitution, the Museum shall seek to resolve the matter with the claimant in an equitable, appropriate, and mutually agreeable manner. (AAM Nazi Era Guidelines, 4.c).

4.2.13 When appropriate and reasonably practical, the Museum shall seek methods other than litigation (such as mediation) to resolve claims that an object was unlawfully appropriated during the Nazi era without subsequent restitution. (AAM Nazi Era Guidelines, 4.e).

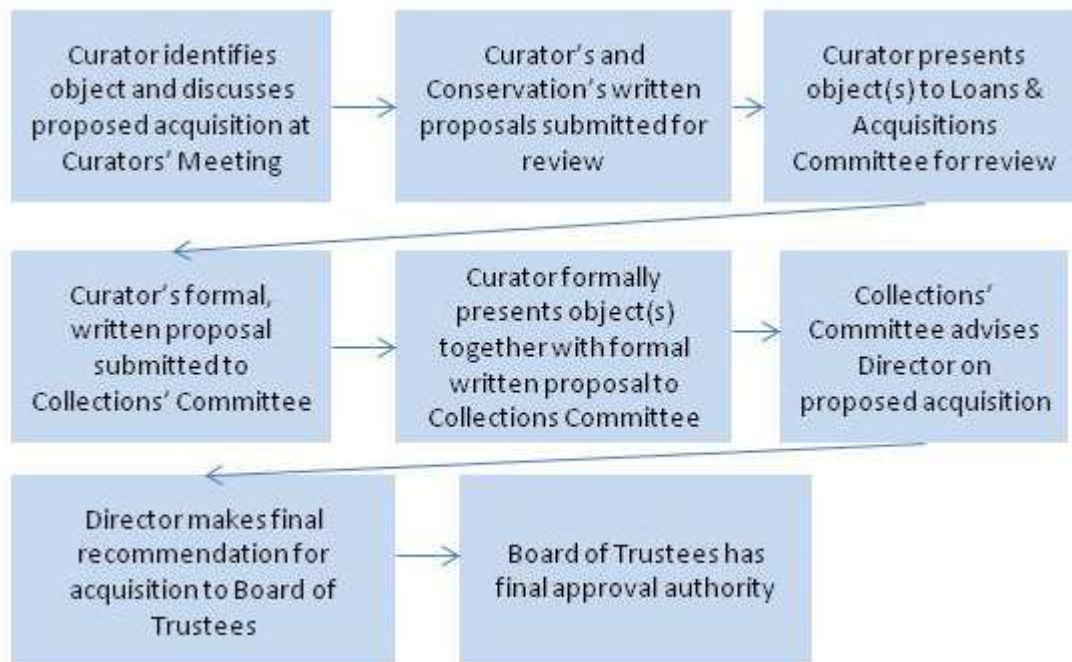
5. PROCEDURES AND RESPONSIBILITIES

5.1 Works brought in for consideration as acquisitions or accessions shall be recorded as pre-accessions by the Registrar's Department and assigned incoming temporary loan (TL) numbers. A Custody Receipt shall be sent to the owner acknowledging receipt and indicating insurance responsibility. A Seller's Warranty and Indemnification as well as a Seller's Provenance Questionnaire or a Donor's Provenance Questionnaire will be sent as part of provenance research. When a curator decides to propose a work of art for acquisition, the curator shall notify the donor of the proposed acquisition status, i.e. as accession or non-accessioned acquisition.

5.2 All works considered for acquisition must be reviewed by, in sequence: (i) the Curators, preferably within the context of regular Curators Meetings; (ii) the Conservation Division (iii) the Loans and Acquisitions Committee, comprising the Director of the Curatorial Division, Curators, the Chief Registrar, the Associate Registrar for Loans and Exhibitions, and the Director of Conservation and Technical Research, or an appointed representative of the Conservation Division; and (iv) the Director and the Collections Committee of the Board of Trustees. The Collections Committee is staffed by the Director of the Curatorial Division and is composed of Trustees, members appointed by the Director, and the Director. The Collections Committee advises the Director on art acquisitions, accessions, and collections deaccessioning in order to enhance and refine strategies for managing the Museum's permanent collection.

The Director makes final recommendations for acquisition to the Board of Trustees, which has final approval authority.

For added clarity, this sequence is summarized in chart form below:



5.2.1 In the event that consensus is not reached by the Loans and Acquisitions Committee when forwarding a recommendation, the opposing, written recommendations will be forwarded to the Director for review before the objects are advanced to the Collections Committee. If objects with opposing recommendations are advanced to the Collections Committee, the opposing, written recommendations shall be included in the report to the Collections Committee. In the event that the Director recommends the acquisition of works of art with opposing recommendations to the Trustees, the opposing views will be noted in the Director's report to the Trustees.

5.3 The Registrar's Department shall prepare the list of acquisitions that will be included in the Board of Trustees' periodic meeting agendas. Each acquisition listing will indicate that the curator in charge of that acquisition, the Conservation Division, and the Director, with the advice of the Collections Committee, support the recommendation. As per 5.2.1, opposing views shall be noted.

Purchases shall be paid for by two specific accession funds.

1) The Walters Art Museum's Accessions Fund, comprising contributions and income earned on fund assets, is allocated among the various curatorial areas. Each curator has a discretionary limit, currently set at \$10,000 (2006). The Department Head interested in acquiring a particular object must obtain the approval of the Director of the Curatorial Division and the Director for this discretionary expenditure. All discretionary purchases shall be reported to the Board but do not require Board approval. The Board must approve any purchase amount over the discretionary level.

2) The W. Alton Jones Foundation Acquisition Fund, deriving from annual allocations from the W. Alton Jones Foundation Endowment and income earned on the endowment's assets, is not allocated among curatorial areas, but exists to fund a purchase opportunity in any area. Each year the amount of growth in value of the principal shall be determined, and the Director and a designated representative of the W. Alton Jones Foundation shall decide what, if any, transfer to the W. Alton Jones Foundation Acquisition Fund should take place.

The approval process for purchases from the Walters Art Museum Accessions Fund and the W. Alton Jones Foundation Acquisition Fund, and funds set up with deaccession proceeds is as follows: The curator recommends a purchase at a Curators' Meeting. This provides an opportunity for a thorough discussion of the criteria for accession (or non-accessioned acquisition). The responsible curator shall also meet informally with the registrars and relevant conservators to discuss all related issues such as necessary conservation treatment, storage, and/or display requirements, and associated costs of maintaining the object. The proposed accession or acquisition will be presented and discussed at the Loans and Acquisitions Committee. Upon approval, the Director of the Curatorial Division shall forward the written purchase recommendation for review and discussion to the Director, who shall then authorize the recommendation to the Collections' Committee of the Board of Trustees, which advises the Director. The curator shall create a formal, written acquisition proposal for consideration by the Director and the Collections Committee, and shall present the object together with the formal, written acquisition proposal in the Collections Committee meeting. Information that satisfies the following criteria shall be presented to the Director and the Collections Committee:

Accession proposals for works of art must be in writing and must address the following criteria:

The quality and significance of the object in its category, and its place in art history

The role of the object in the collection

The appropriateness of the object for exhibition

The physical condition of the object

If it is a purchase, the price of the object and prices paid for comparable objects in the market place

If it is a gift, any restrictions placed by the donor on the gift

Review of provenance and legal compliance issues to insure that no laws have been violated and that the Walters Art Museum's Acquisition and Accessions Policy has been upheld (see research required in sections 4.1.5 and 4.1.6 and 4.2.3)

The Museum's ability to store and care for the object, and

Other costs associated with the purchase (treatment, shipping, fees, etc.)

Proposals for non-accessioned acquisitions must be in writing and must address the following criteria pertaining to the importance of the object for the Museum for the following purposes:

Studies in the Curatorial or Conservation divisions for the benefit of the collection, (comparison, training, etc.) or special research projects

Part of the display in the galleries or educational programming

Purposes of future collection-building

Bequests or gifts given with the intent to be sold

The object's physical condition

If it is a purchase, the price of the object

If it is a gift, any restrictions placed by the donor on the gift

Review of provenance to insure that no laws have been violated and that the Walters Art Museum's Acquisitions and Accessions Policy has been upheld (see research required in sections 4.1.5 and 4.1.6 and 4.2.3)

The ability to store and care for the object, and

Other associated costs (treatment, shipping, fees, etc.)

The Form of the Proposal

For purchases over \$500,000:

A formal, written proposal that specifically addresses all criteria (see above), and photographic documentation, including comparative objects; a written statement of a second, experienced scholar; a conservation report.

For purchases over \$10,000 and under \$500,000 and for all accessioned donations:

A formal, written proposal that specifically addresses all criteria (see above), and photographic documentation, including comparative objects; a conservation statement.

For curators' contingency purchases under \$10,000:

A short, written statement that specifically addresses all criteria (see above), and photographic documentation, including comparative objects; a conservation statement.

For accessions (gifts and bequest):

A short written statement that specifically addresses all criteria (see above), and photographic documentation, including comparative objects; a conservation statement.

Non-accessioned acquisitions:

A short, written statement that specifically addresses all criteria for an acquisition (see above), and photographic documentation of the object.

Upon the Director's approval (based on the formal, written proposal and presentation of the curator and on the advice of the Collections' Committee), the recommendation shall be forwarded to the Museum's Board of Trustees except in the case of the W. Alton Jones Foundation Acquisition Fund purchases, in which case the Director shall notify the designated representative of the W. Alton Jones Foundation and forward the recommendation to the Board.

5.4 A list of recommended acquisitions shall be presented to the Board of Trustees for final approval as part of its meeting agenda. The resulting vote shall be recorded in the Board of Trustees minutes. Requests to bid at auction shall also be submitted to the Board for authorization; if time constraints are an issue, the Chair of the Collections' Committee of the Trustees and the Director are authorized to approve the bid (this fast-track procedure shall be used in exceptional circumstances and in close collaboration with the relevant curator,

Director of the Curatorial Division, the Director, and the Collections' Committee Chair). Works purchased with discretionary funds shall be reported to the Board.

The Collections Committee of the Board of Trustees and the Board of Trustees authorize the Director to accept year-end gifts after the date of the last meeting of the Collections Committee in December through December 31. Donors of year-end gifts shall be required to fill out a provenance questionnaire at the time the gift physically arrives at the Museum. Donors of year-end gifts shall be advised that should questions of condition, authenticity or provenance arise, the Museum may return their gifts. All year-end gifts accepted by the Director shall be presented to the Collections Committee at their first meeting of the following year (for review purposes only), with written presentations by the curators, and with the Director's endorsement. Year-end gifts accepted into the collection shall be reported to the Board on the agenda of the first meeting of the following year.

Works to be acquired for a "related use" (for study purposes or for incidental decoration) but not accessioned, shall be submitted to the Board for approval as non-accessioned acquisitions.

Works to be acquired and sold (i.e. those acquired for an "unrelated use") shall be submitted to the Board for approval. Funds realized from the sale of said works shall be deposited in deaccession accounts for acquisitions related to the relevant collection department. Record shall be kept of the accompanying credit for transfer to any future purchase made with these funds.

5.5 Each donor shall be notified in writing of the acceptance of his or her gift by the Director's office. A Deed of Gift signed by the Director shall be sent with the acceptance letter for the donor's countersignature. The Deed must clearly indicate the unrestricted status of the gift and transfer of title to the artwork to the Walters. Should a gift with restrictions be accepted, the Deed must clearly indicate the restricted status included any restrictions on the transfer of title. The appropriate curator shall initiate the return of item(s) brought in for gift or bequest consideration not accepted into the collection.

5.6 For purchases, the Director of the Curatorial Division shall forward the invoice to the Finance Department for payment. The appropriate curator shall contact vendors of purchases not to be acquired and the Registrar's Department shall return the item(s) to the vendor.

5.7 The Registrar's Department has authority to complete and sign Part IV, Donee Acknowledgment of the IRS 8283 form for gifts, acknowledging the date of receipt of the donation property, institution name, and address as well as the employer identification

number. In keeping with IRS regulations, the Museum's staff may not provide appraisals of donated property. Any valuations recorded on incoming receipts or in Museum files shall be used for the Museum's internal insurance purposes only. Donors shall be responsible for obtaining independent appraisals for tax purposes.

5.8 The Registrar's Department handles the documentation of accessions and acquisitions and maintains appropriate paper and electronic files. Accessions shall be given a formal accession number according to the numeric system established by the Museum's first registrar, Winifred Kennedy. Acquisitions (for study purposes, for sale, or for incidental decoration) shall be maintained under a separate numbering system of non-accessioned objects; their upgraded status to non-accessioned gift shall be recorded.

5.9 The Registrar's Department shall keep on file all written documentation with respect to the history of the work of art, including import and export documentation. Import documentation shall include the airway bill, Customs Form 3461, Customs Summary Form 7501, and the pro forma invoice.

5.10 Works originally accepted as non-accessioned acquisitions must be proposed to the Board of Trustees a second time should a curator later decide to recommend their accession.

5.11 The minutes of the Board of Trustees and the Walters' Annual Report are the formal records of all gifts, purchases, and bequests.

6. REVIEW

This policy shall be reviewed periodically, at least once every five years, and sooner, if necessary, in response to revisions in professional association guidelines, as listed in item 1.3, above