



**DIVISION OF THE ARTS  
DEPARTMENT OF CULTURAL RESOURCES  
PERCENT FOR ART PROGRAM  
DEACCESSION GUIDELINES**

Adopted by NHSCA Council – July 2009

**Purpose:** Works of art are acquired by the Division of the Arts, Department of Cultural Resources (aka, New Hampshire State Council on the Arts/State Arts Council) through the expenditure of State Art Funds and become part of the State Art Collections (Percent for Art, Arts Bank, Living Treasure, Lifetime Fellows). Funds for the Collections are generated from New Hampshire's legislation (RSA 19-A), which requires that one-half of one percent of the bid contract price of construction of certain state buildings and facilities be used for the inclusion of art/craft work.

Works of art in the Collections may be periodically de-accessioned and will not be removed from the Collections without due consideration, justification, and documentation.

The objectives of these Deaccession Guidelines are to:

- Maintain high quality State Art Collections;
- Eliminate artworks from the Collections that no longer meet the needs of the community, are unsafe, or not repairable;
- Respect the creative rights of artists;
- Keep the deaccession process as clear and simple as possible; and
- Support an efficient workload for staff.

## **Process for Deaccession:**

**Designation of Artworks:** State Arts Council staff recommends artwork for deaccession with written justification after assessing the artwork against the deaccession criteria.

The Collections Management Review Committee reviews staff justification and makes recommendations for artwork/s to be deaccessioned through consensus.

The Committee forwards recommendations for deaccession of artwork/s to the State Arts Councilors for their consideration. If the majority of the Arts Council votes to support the recommendation, that recommendation will be submitted to the Commissioner of the Department of Cultural Resources for final approval.

## **Collections Management Review Committee:**

Membership will consist of:

- New Hampshire State Council on the Arts Director (Chair of Committee)
- 1-2 State Arts Council staff
- Department of Cultural Resources Registrar/Curator
- 1-2 State Arts Councilors
- 1 Elected Official (from Culture & Arts Committee and selected by New Hampshire State Council on the Arts Director to serve a 2 year term)

## **Deaccession Criteria:**

Artwork recommended for deaccession must meet at least one of the following criteria:

1. **SECURITY:** The State Arts Council is unable to continue to provide care and storage for the work of art in keeping with professionally accepted standards.
2. **PROVENANCE:** Possession of the object is not legitimate, i.e., the work may have been stolen or illegally exported or imported in violation of applicable state and U.S. federal laws.
3. **INAUTHENTICITY:** The authenticity, attribution, or genuineness of the object is determined by a professional art appraiser to be false or fraudulent.
4. **DAMAGE BEYOND REPAIR:** The physical condition of the object is so poor that restoration is impossible, would exceed the value of the work, or will render the object essentially inauthentic. First option for assessment of artwork will be given to the artist. If artist is living outside of N.H. or unavailable, the State Arts Council staff will secure professional assessment from contractors, conservators, and other specialists selected as relevant to the media of the artwork.
5. **SAFETY/HAZARDOUS MATERIALS:** The work of art is found to be made from hazardous materials or is actively decomposing in a manner that directly affects the health and safety of the public and/or State Arts Council staff.
6. **LOSS OF SITE:** The initial host site for commissioned work no longer wishes or is able to house the work of art and state-owned alternatives for relocation have been exhausted.\* If the initial host site is to be significantly modified or renovated and those changes will result in the need to dismantle or destroy a permanently installed artwork, the disposition of the artwork will be referred to a separate process informed by the State Arts Council's Public Art Loan Agreement with the host site.

\*The process of identifying an alternate site prior to deaccession will be conducted through direct invitations to eligible state agency host sites via email and/or through an open appeal announced on the State Arts Council website. State Arts Council staff will review proposals and re-location will be approved by the State Arts Council Director. The State Arts Council will allow a minimum of three months to identify a suitable relocation site before recommending the work for deaccession.

7. **EXCESSIVE MAINTENANCE:** The artwork has faults that require repeated and excessive maintenance efforts.
8. **EXCESSIVE REPRESENTATION:** The work is duplicative, or excessive in a large holding of work of a particular type or by a particular artist.

**Disposition to Artist/Donor:** After the Collections Management Review Committee has determined a piece is eligible for deaccession, first option will be given to the artist or donor of the artwork. The artist, the artist's estate, or donor will have the right to reclaim the artwork and must assume the expense of relocating and/or repairing it. State Arts Council staff will make all reasonable efforts to notify any living artist, the estate of any deceased artist or any donor of a work of art, of the intention to deaccession the work. In the case of artwork purchased from a living artist or acquired through a donor, a letter will be sent via certified mail (return receipt requested).

The State Arts Council shall allow 30 days for a response from the date the letter is mailed, before pursuing other means of deaccession. If the artist, artist's estate, or donor does not claim the artwork within 30 days of stating the intent to reclaim it, the State of N.H. shall go forward with other means of deaccession and the artist or their representatives will forego any right to the artwork being deaccessioned.

**Disposition through Donation:** Works of art approved for deaccession that are in acceptable condition and that have not been claimed by the artist, artist's estate, or donor may be removed from the State Arts Council's inventory by donation to private non-profit organizations or municipalities; or, by transfer to a state agency that has not previously benefited from Percent for Art loans.

The process of determining a recipient non-profit organization, municipality, or state agency will be conducted through an open proposal process publicized on the State Arts Council website and through e-communications to non-profit organizations represented in the State Arts Council's database. The Collections Management Review Committee will review proposals and determine recipient/s.

Recipient non-profit organizations, municipalities, and state agencies will be selected based upon criteria applicable to Percent for Art display sites for state buildings. Selected works of art shall be transferred to the recipient's inventory and become the sole responsibility of the recipient for further upkeep. All works of art accepted by organizations/agencies shall bear identification labels acknowledging the State Arts Council as donor. Criteria for selection of recipient organizations/agencies are:

- The site can offer an appropriate degree of public exposure.
- The organization/agency can provide adequate security and signage to safeguard and identify the artwork.
- The organization/agency is able to cover the cost of relocating the artwork.

Priority will be given to non-profit organizations/state agencies that:

- Have not previously benefited from Percent for Art acquisitions or loans;
- Are located in underserved areas of New Hampshire; or
- Have an educational mission that can be enhanced by the artwork.

**Disposition through Destruction:** Artwork recommended and approved for deaccession that professional assessment has revealed are damaged beyond repair or for which the estimated cost of repair is deemed excessive, will be removed from the State Arts Council inventory by destruction. When necessary, the State Arts Council will engage professional demolition contractors. Whenever possible, the State Arts Council will observe “green” practices in the destruction of works.

**Documentation:** A complete record of deaccession will be maintained by the State Arts Council Collections Management staff and the Department of Cultural Resources Registrar/Curator. Documentation will include a photograph of the deaccessioned work of art, a physical evaluation form/condition report (prepared at the outset of the deaccession process), minutes containing the Council approval for deaccession, a letter of approval signed by the Department of Cultural Resources Commissioner, a copy of the notification to the artist and/or donor, and if disposed of through destruction, a description of the process and facility where destruction took place.

**Cost:** Funds to cover costs associated with documentation and destruction of the artwork may be drawn from the Conservation License Plate fund or the State Art Fund.

(Under special circumstances (e.g. financial hardship), a recipient non-profit organization, municipality, or agency may request that the Council cover the costs of relocating an artwork.)