

Chapel Hill Public Arts Commission

POLICY FOR DEACCESSIONING OF WORKS OF ART

Background

Works of art are being acquired for the Town of Chapel Hill through donations, gifts and the Percent for Art Program. The process for the acquisition of artwork by the Town of Chapel Hill, is based on the Percent for Art program implementation policies and the Chapel Hill Public Arts Commission's (CHPAC) Gifts Review policy.

Policy

Deaccessioning is a procedure for the withdrawal of an artwork from a public collection. Deaccessioning shall be considered only after ten years have elapsed from the date of installation of permanent works, except in the case of portable works or under special circumstances (e.g., the piece has been damaged beyond repair). Deaccessioning will be considered only after a careful and impartial evaluation of the artwork by the CHPAC Deaccessioning Subcommittee within the context of the artwork collection of the Town of Chapel Hill in its entirety. At the beginning of the deaccessioning process, CHPAC staff will make all reasonable efforts to notify any living artist, or the estate of any deceased artist, whose work is being considered for deaccessioning.

Eligible Artworks

All artworks owned by the Town of Chapel Hill, North Carolina, whether acquired through the Percent for Art Program, donations, or any other method are eligible. In the case of donated artworks, all legal documents relating to the donation will be consulted prior to beginning the deaccessioning process.

Deaccessioning Procedure

A Deaccessioning Subcommittee of the CHPAC will be appointed. This subcommittee will consist of no more than five arts professionals/experts including 3 members of the CHPAC, an art conservator or curator, and a Town representative.

As part of the ongoing evaluation of the collection, the Deaccessioning Subcommittee of the CHPAC will review the collection when deemed appropriate or upon the request of the Town Council. CHPAC members and staff will be responsible for recommending artworks for consideration/evaluation for deaccession. The Deaccessioning Subcommittee reserves the option of hiring an outside consultant.

Criteria for Deaccessioning

The CHPAC may consider the deaccessioning of artwork for one or more of the following reasons:

1. The artwork cannot be resited or resiting would not be appropriate:
2. A work is not, or is only rarely, on display because of lack of a suitable site.
3. The condition or security of the artwork cannot be reasonably guaranteed.
4. The artwork has been damaged or has deteriorated and repair is impractical or unfeasible.

5. The artwork endangers public safety.
6. In the case of site specific artwork, the artwork is destroyed or its impact negated by altering its relationship to the site.
7. The artwork has been determined to be significantly incompatible or inferior in the context of the collection.
8. The Town wishes to replace the artwork with work of more significance by the same artist.
9. The artwork requires excessive maintenance or has faults of design or workmanship.
10. There has been sustained and overwhelming public objection to the artwork.

Sequence of Action

1. A Subcommittee appointed by the CHPAC determines that an artwork meets one of the above criteria of the Criteria for Deaccessioning. The Committee may seek additional information regarding the work from the artists, art galleries, curators, appraisers or other professionals prior to making a recommendation to the full Commission.
2. The CHPAC staff will prepare a report which includes:
 - a. The opinion of the Town Attorney on any restrictions which may apply to this specific work.
 - b. Recommendation from the Town.
 - c. Completion of deaccessioning worksheet.
 - d. CHPAC's Recommended deaccessioning method.
3. The CHPAC will review the report at one of its regularly scheduled meetings.
4. A CHPAC recommendation for action is sent to the Town Council for consideration at a regularly scheduled meeting.

Upon Town Council confirmation of the recommendation, the CHPAC shall consider the following actions:

1. Sale or Exchange

Sale shall be in compliance with State and Local laws and policies governing sale of personal property.

- a. Artist, or estate of the artist, will be given first option to purchase or exchange the artwork(s).
- b. Sale may be through auction, gallery resale or direct bidding by individuals, in compliance with State/Local law and policies governing surplus property.
- c. Exchange may be through artist, gallery, museum or other institutions for one or more artwork(s) of comparable value by the same artist.

- d. No works of art shall be sold or traded to members or staff of the CHPAC, or Town staff, consistent with CHPAC conflict of interest policies.
 - e. Proceeds from the sale of a work of art shall be returned to the Town's Public Art Multi-Year Account from which the original purchase was made if acquired through the Percent for Art Program. Funds from the sale of gifts shall go into the Public Art Multi-Year Account for future artworks projects. Any pre-existing contractual agreements between the artist and the Town regarding resale shall be honored. An exception to this provision may be required if the artwork was originally purchased with funds that carried with them some restriction, for example, bond funds for street and sidewalk improvements.
2. Destruction of artwork deteriorated or damaged beyond repair and deemed to be of negligible value.
 3. If the CHPAC is unable to dispose of the artwork in a manner outlined above, the CHPAC will make a recommendation to the Town Council, which may include the donation of the artwork to a non-profit organization or another method.