

AGNES ETHERINGTON ART CENTRE AT QUEEN'S

ACQUISITION POLICY

Introduction

The Agnes Etherington Art Centre (the “Agnes”) serves the communities of Queen’s University, the City of Kingston and its surrounding region as a cultural locus devoted to the collection, research, interpretation and exhibition of works of art. The Agnes develops a Permanent Collection (the “Collection”) of the highest possible quality for public and academic engagement, which enables it to pursue its mandate. Integral to the Agnes’s institutional direction and identity, the Collection contains more than 17,000 objects, including significant holdings in contemporary, Canadian historical, Indigenous, European historical and African historical arts. The Agnes’s collecting practices are guided by this policy.

1.0 Collecting Areas

1.1 With staff expertise and substantial holdings in contemporary art, Canadian historical art, Indigenous art and European historical art, the Agnes shall only acquire works of art that enhance the following collections:

1.1.1 Contemporary Art

Defined as all works of art by living artists and all works made in the previous 25 years, the Contemporary Art Collection offers a material record of critically relevant visual art in Canada. Non-Canadian works are considered when they are pertinent to existing holdings, the region, or Agnes research and exhibition activities.

1.1.2 Canadian Historical Art

Reflecting the histories of visual art in Canada up to the last 25 years, the Canadian Historical Art Collection includes substantial holdings in paintings, works on paper, sculptures and video. Additionally, the Canadian Historical Art Collection encompasses three active decorative art collections that have a regional focus: the Queen’s University Collection of Canadian Dress, the Heritage Quilt Collection and the Silver Collection.

1.1.3 Indigenous Art

The Indigenous Art Collection comprises significant works of art in various media by First Nations, Métis and Inuit artists, from the distant past to present day. The Indigenous Art Collection traverses both the Contemporary and Canadian Historical Art Collections, and extends to global Indigenous art production as relevant to the Canadian context.

1.1.4 European Historical Art

The European Historical Art Collection features significant holdings in 17th-century Dutch and Flemish painting, with emphasis on Rembrandt and his school, as well as Renaissance, Mannerist and Baroque drawings and European prints from the 16th to 20th centuries. The Collection embraces a concentration of British paintings of the Baroque period.

1.2 The following area will be developed only in exceptional circumstances, such as a significant increase in resources and in-house expertise:

1.2.1 African Historical Art

The Justin and Elisabeth Lang Collection is one of the most significant representations of historical West and Central African art in Canada. It is unique within the Agnes Collection as a collection that is continually activated in both historical and contemporary exhibitions, but not actively expanded.

1.3 The following areas will not normally be further developed:

1.3.1 Etherington House

The Etherington House Collection is comprised of furnishings, fixtures, art and decorative arts associated with and displayed in historic Etherington House. Because the House is an actively used museum space, certain textiles may be refurbished or replaced as necessary to maintain optimal display condition.

1.3.2 Historical Glass

This is small collection of Canadian and American pressed glass of the 19th and early 20th centuries. It has seldom been exhibited, and no further additions will be made.

1.3.3 University Transfer

This collection consists of diverse works of art, primarily from ancient Egyptian and Roman cultures, Oceanic Indigenous cultures and Asian cultures. These were transferred to the Agnes at its founding in 1957, from various locations across Queen's University. While future development of these holdings is not envisioned, the collection is occasionally used for research and exhibition.

2.0 Building the Collection

2.1 An acquisition is the transfer, to the Agnes, of title to a work of art. Works of art may be acquired via:

- 2.1.1 Purchase
- 2.1.2 Donation
- 2.1.3 Bequest
- 2.1.4 Exchange

2.2 The Agnes will only consider offers of donation to the Collection in accordance with the Agnes's Donation Procedures and Queen's University's Gift Acceptance Policy.

2.3 The Agnes will not accept the following:

- 2.3.1 gifts for a "study collection"
- 2.3.2 promised gifts
- 2.3.3 conditional gifts, or gifts with restricted terms of acquisition
- 2.3.4 gifts or purchases that fall outside the active collecting areas defined in Section 1.1
- 2.3.5 gifts or purchases that exceed existing or expected resources for maintenance, preservation and interpretation

- 2.3.6 gifts with the intention of deaccessioning
- 2.4 The Agnes will only accept proposed acquisitions that meet the following criteria:
 - 2.4.1 Satisfactory proof of authenticity
 - 2.4.2 Acceptable documentation of provenance (with particular attention paid to historical European works of art that may have been subjected to Nazi-era spoliation and to historical Indigenous works of art)
 - 2.4.3 Confirmation of the donor's or seller's legal title
 - 2.4.4 Arm's-length relationship between the Agnes and the owner
- 2.5 The Agnes will assess proposed acquisitions according to the following factors:
 - 2.5.1 Aesthetic quality
 - 2.5.2 Cultural significance and contribution to art history
 - 2.5.3 Usefulness for and capacity to support to a high standard exhibitions, research and teaching
 - 2.5.4 Relevance to existing holdings in the Collection
 - 2.5.5 Relevance to the Agnes's regional and social context
 - 2.5.6 Relationship to the Agnes's research and exhibition history
 - 2.5.7 Physical condition and stability

3.0 Acquisition Process and Committee Structures

- 3.1 Acquisitions to the Collection are determined by a formal process, on the basis of recommendations and written reports by relevant curators. The Agnes shall only acquire works of art approved by both the Internal Acquisitions Committee and the External Acquisitions Committee (except for acquisitions that fall under Section 3.9).
- 3.2 The Internal Acquisitions Committee consists of the Agnes's director and curators. It initiates, prepares and presents documentation on proposed acquisitions, and makes recommendations to the External Acquisitions Committee. Internal Acquisitions Committee members are ex-officio, non-voting members of the External Acquisitions Committee.
- 3.3 The External Acquisitions Committee is comprised of a minimum of five voting members with knowledge of the Kingston and Queen's University communities. Typical experts sought are:
 - 3.3.1 An art historian
 - 3.3.2 An artist
 - 3.3.3 An art conservator
 - 3.3.4 Persons with demonstrable knowledge of and commitment to the visual arts
 - 3.3.5 The Chair of the Agnes's Advisory Board or their delegate
- 3.4 Members of the External Acquisitions Committee are appointed by the Agnes director following internal and external consultation. The term of appointment is three years, with an optional extension of membership by one year. The Agnes director shall ensure that Committee members' tenures overlap to ensure continuity.
- 3.5 The External Acquisitions Committee is chaired by a member of the committee, appointed by the director.

- 3.6 Acquisition proposals are accepted or declined by a simple majority vote of the External Acquisitions Committee. For acquisitions, a quorum of three members is required. The External Acquisitions Committee's formal vote is final and must be recorded in the committee's minutes.
- 3.7 Members of the External Acquisitions Committee cannot propose acquisitions, and must be at arm's-length to proposed acquisitions and must keep information confidential relating to proposed acquisitions.
- 3.8 Agnes staff supports the activities of the Internal and External Acquisitions Committees as follows:
 - 3.8.1 Collections manager: ensures access to works of art under consideration, assists in their presentation, prepares meeting agendas and minutes, and distributes documentation to Committee members in a timely fashion
 - 3.8.2 Agnes director or delegate: chairs the Internal Acquisition Committee and acts as secretary to the External Acquisitions Committee during meetings
- 3.9 Discretionary funds up to \$10,000 may be available to the Agnes director to purchase works of art when the opportunity does not permit advance consultation with the External Acquisitions Committee. Such purchases must be reported at the next External Acquisitions Committee meeting and recorded in the Committee's minutes.
- 3.10 The Agnes director shall convene External Acquisitions Committee meetings a minimum of twice yearly, typically in spring and fall. They will be scheduled in view of appropriate external deadlines, such as those set for submission of applications for certification to the Canadian Cultural Property Export Review Board.
- 3.11 Under exceptional circumstances and with the director's approval, meetings of the External Acquisitions Committee may be conducted by poll to take advantage of an extraordinary time-sensitive opportunity. The results of such polls will be duly recorded in the minutes of the Committee's next meeting.

4.0 Deaccessioning

- 4.1 Deaccessioning is to be judiciously undertaken only in exceptional circumstances, with the intention of refining and improving the Collection.
- 4.2 Deaccessions follow a formal process similar to the acquisition process (see Section 3). The relevant curator shall undertake a thorough review of all records to determine provenance, clear title, fair market value and donor intentions. The curator's recommendation for deaccessioning, including method of disposal, is presented in a written report. All deaccessions must be approved by both the Internal Acquisitions Committee and the External Acquisitions Committee. The Agnes shall consult with and report to the Advisory Board and Queen's University Office of Advancement as part of the deaccessioning process.

- 4.3 Works of art shall only be deaccessioned after a two-thirds majority vote of the External Acquisition Committee. The External Acquisitions Committee's formal vote is final and minuted as part of the Agnes's record.
- 4.4 Only works of art that meet one of the following criteria can be considered for deaccessioning:
- 4.4.1 The work of art's condition has deteriorated beyond reasonable repair or poses a risk for staff and/or other works in storage that cannot be mitigated.
 - 4.4.2 A court has made a final determination that the work of art is owned by a third party.
 - 4.4.3 The work of art is a duplicate that does not have value for study or exhibition.
 - 4.4.4 The work of art is fraudulent or fake, and lacks sufficient aesthetic merit or art historical importance to warrant retention.
 - 4.4.5 The work of art is an anomaly, falling outside the active collecting areas defined in Section 1.1.
 - 4.4.6 The work of art no longer has value for exhibition or research.
 - 4.4.7 Resources for long-term museum-grade care are not available nor foreseeable.
- 4.5 Appropriate consideration will be given to public perception and donor sensitivities in the matter of deaccessioning. The Agnes will not deaccession a work of art until after 25 years from the date of acquisition. Prior to deaccessioning a work of art, the Agnes shall make reasonable effort to contact the donor or donor's estate and make reasonable effort to arrive at a mutual understanding regarding disposition of the work.
- 4.6 If, in the opinion of the External Acquisitions Committee, the work of art identified for deaccessioning is of such significance that it should remain accessible to the public, the Agnes shall make reasonable efforts to donate or sell the work of art to another "designated institution" (as defined by the *Cultural Property Export and Import Act*) in Canada.
- 4.7 If the work of art should not, or cannot, form part of the collection of a designated institution, it may be sold or exchanged for other works of art as payment in whole or in part.
- 4.8 If the work of art is significantly damaged or degraded with no reasonable expectation of repair, and can neither be sold, exchanged, nor returned to the artist, consideration may be given to its destruction only after making reasonable efforts to locate the artist or artist's estate and donor or donor's estate and making reasonable efforts to arrive at a mutual understanding regarding destruction of the work of art.
- 4.9 The Agnes shall only use revenue generated through deaccessioning for acquisition of works of art to the Collection.

5.0 Policy Review

- 5.1 In order to ensure continued relevance, this policy will be reviewed every five years by the director and chief curator, following appropriate consultation with curatorial staff. It will be reported to the Agnes's Advisory Board, Queen's University Deputy Provost and External Acquisitions Committee.

19 February 2019

References

[*Art Museums and the Restitution of Works Stolen by the Nazis*](#), Association of Art Museum Directors, 2007

[*Code of Ethics for Museums*](#), International Council of Museums (ICOM), 2017

[*Code of Ethics and Guidance for Practice*](#), Canadian Association for Conservation of Cultural Property and Canadian Association of Professional Conservators, 3rd edition, 2000, reprinted 2009

[*Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*](#), UNESCO, Paris, 1970

[*Cultural Property Export and Import Act*](#), Revised Statutes of Canada (RSC), 1985, C-51

[*Deaccessioning Guidelines*](#), Canadian Museums Association (CMA), c.2014

[*Ethics Guidelines*](#), Canadian Museums Association (CMA), 1999

[*Income Tax Act*](#), Revised Statutes of Canada (RSC), 1985, c. 1

[*Policy of Deaccessioning*](#), Association of Art Museum Directors (AAMD), amended October 2015

[*Queen's University Gift Acceptance Policy*](#), amended May 2012

[*UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects*](#), UNIDROIT, Rome, 1995

[*Washington Conference Principles on Nazi-Confiscated Art*](#), 3 December 1998