



PUBLIC ART FRAMEWORK | POLICIES AND GUIDELINES

BACKGROUND

The University of Arkansas is the major land grant and state university for Arkansas, and is striving for recognition as one of the top 50 public universities in America. The university community is motivated to fulfill its potential to drive economic development and improve the quality of life for all the people of Arkansas. The university also serves as a cultural resource to the Fayetteville community, and acts as a cultural venue for creative programs through its galleries, auditoriums, buildings, and public spaces.

The university community has expressed a desire to include art in new and existing buildings and landscapes, and some citizens and artists are interested in donating or selling art to the institution. Without a policy for proper review, acceptance, documentation, and maintenance of artworks, however, there is no good way to determine whether these works are appropriate for the campus. In addition, the university does not currently have funding, space, or staff allocated to manage art collections properly.

Guidelines are needed for responding to offers of donations; commissioning works for particular sites; determining what art should be accepted or commissioned, where it should go, and the role of the artist in the process; using permanent or rotational collections; developing opportunities for local, regional, national, and international art; and maintaining and managing collections, as well as using curatorial services.

THE IMPORTANCE OF PUBLIC ART

Public art defines a sense of place, allows audiences to experience and consider new ideas, and can enhance the learning opportunities at the university. A public art program can express the value of art and education to the campus community, and serve to promote the University of Arkansas and support fundraising efforts.

A number of opportunities can be identified in establishing a public art program, including:

- Enhancing the quality of life in the Fayetteville area.
- Enhancing the reputation of the University of Arkansas.
- Continuing the cooperative partnership with the City of Fayetteville, the Walton Arts Center, and the Fayetteville Public Library as anchors of downtown.
- Strengthening arts education and demonstrating the value of public art.
- Strengthening the university as a destination and creating a sense of pride.
- Helping the university appeal to donors.

In addition, a number of concerns and risks may be associated with such a program:

- Limited financial resources to implement projects.
- Potential strain on staff time.
- Potential increase in maintenance costs.
- Negative response to selected artworks.
- Finding a balance between work that is thought-provoking and work that is acceptable to the broader campus community.
- Potential negative feelings associated with the decision to decline a gift, or for not selecting more local artists.

- Potential for artists to be unprofessional, ignore responsibilities, or produce art with poor workmanship.

The *Public Art Framework / Policies and Guidelines* document establishes the mechanism for public art decision-making at the university. The establishment of a **Public Art Oversight Committee (PAOC)** is integral to building a meaningful University Art Collection. This committee will take on the roles and responsibilities outlined in the policy document. It is anticipated that the PAOC will:

- Set priorities for tasks and projects to be accomplished by the PAOC
- Establish the commissioning process and oversee the recommendation of artists
- Recommend to accept or decline offers of donated art
- Establish guidelines and procedures for temporary exhibits and displays
- Provide a report documenting the selection of works and upcoming exhibits
- Establish criteria by which portable works of art may be loaned to museums
- Establish guidelines for temporary art exhibits (apart from displays in curated galleries, such as the Fine Arts Center Gallery and Anne Kittrell Gallery).

Facilities Management (FAMA) is charged with planning and executing capital projects, including construction oversight and maintenance of campus facilities and grounds. This department is assigned budget and scheduling, procurement, installation, inspection, and maintenance of Public Art in keeping with campus physical planning and strategic and academic plans. In the upcoming year, FAMA will:

- Identify staff-related responsibilities.
- Identify university and community resources necessary to deliver a Public Art Program.
- Develop a budget to support and maintain the University Art Collection.
- Identify planned university capital projects slated to occur over the next three years and which would be appropriate for public art involvement.
- Identify the sites and projects for a set of public art initiatives, taking into account the concepts set by the PAOC and the long-term physical planning goals of the university.
- Develop a set of template documents to support the delivery of the Public Art Program, including submission/call documents, legal agreements, and other relevant papers.
- Post the *Public Art Framework / Policies and Guidelines* and any supporting documentation online with other relevant university planning documents and guidelines (see planning.uark.edu).

PUBLIC ART FRAMEWORK

I. PURPOSE

The purpose of the *Public Art Framework* is to describe the procedures by which the University of Arkansas will accept donated or loaned art or commission original works. This plan will provide the structure and scope for placing works of art in public spaces and publicly accessible spaces on the University of Arkansas campus.

II. DEFINITIONS

Public Art—publicly accessible original art that enriches the university through its aesthetic qualities, considers the social and physical context of the site, and addresses the goals of the Public Art Master Plan. Artworks may be permanent, semi-permanent, functional, or temporary, and may take a variety of forms, including sculpture, murals, paintings, ceramics, mosaics, architectural site elements, photography, fiberworks, land art, multimedia works, digital technologies, and mixed or other media.

Site furnishings or fixtures (such as trash and recycling cans, benches, light fixtures, handrails, guardrails, bike racks, bollards, tables, seating, etc.) are considered part of the campus site furnishings standards and are ineligible for accession into the University Art Collection.

Public art projects are categorized and defined as follows:

- *Site-specific art*: public art that gets its inspiration from its site and could not work elsewhere.
- *Semi-integrated art*: public art that gets its inspiration, to a certain degree, from some aspect of the site. These works can exist in a number of locations provided that all have the same physical and conceptual conditions.
- *Discreet art*: public art that is not integrated with the site either in physical or conceptual manner and, therefore, is not at all dependent on the location. Usually this type of public artwork only relates to the site in location and scale, and is created off site and moved into the place.
- *Community art*: has a community-based design and can allow people to express their concerns and goals or create community participation.
- *Ephemeral Art*: art projects that are temporary or short lived, are based on a specific occasion or event, and are transitory in nature.

Accessioning—the formal procedure used to review, accept, and record artwork into the University Art Collection, and during which a permanent archival file and database record is created to document the artwork disposition, terms of its creation, and artist's statement and intent.

Acquisition—the accession of an artwork into the University Art Collection, whether by commission, purchase, gift or other means.

Artist—a person who has established a reputation of artistic excellence in the visual, design, performing or literary arts, as judged by peers, through a record of exhibitions, public commissions, sale of works and/or educational attainment.

Artist Team—two or more artists working collaboratively on a public art project.

Artwork—all forms of original creations or works designed by a professional artist, team of artists, or design team, using a variety of media; can be free standing, integrated into architecture, functional, non-functional, temporary or permanent.

Arts Professional—an arts administrator, art historian, curator, writer, or other professional who works in the visual, design, performing, or literary arts.

Capital Project—any new building or facility and any expansion or upgrade of an existing facility or system.

Community Art Project—a joint effort/partnership with a community group to engage the community in making ephemeral art.

Construction Coordinator—a University representative (generally a Facilities Management Construction Coordinator) charged with managing a construction project to which public art funds are allocated.

Consultant—an individual or firm hired for advice or to undertake a specific task.

Deaccessioning—the procedure followed to remove an artwork from the University Art Collection.

Design Team—the collaborative team that includes, but is not limited to, an artist and at least one other design professional, such as architect, landscape architect, or engineer.

District Plan—the plan delineating the campus districts and sub-districts, governing growth, as prepared and maintained by Facilities Management Planning Group.

Executive Committee—the committee composed of the Chancellor and Vice Chancellors of the University of Arkansas.

Local Artist—an artist who has lived or worked within the Fayetteville Metropolitan Statistical Area for five (5) or more years of such artist's career.

Maquette—a scale model of a proposed public artwork.

Minority—those persons, citizens of the United States and lawfully admitted resident aliens, who are members of a minority group. Act 1394 of 2001 defines a minority as a Black American, Hispanic American, American Indian, Asian, or Pacific Islander.

Percent for Art—a policy that provides a vehicle for funding of public art.

Public Art Allocation—funding allocated to the Public Art Fund out of eligible general fund, capital project funds, or private gifts and used to enhance University buildings and spaces with artwork.

Public Art Fund—the amounts budgeted for the development, fabrication, delivery, and installation of public art in capital projects, including administrative costs.

Public Art Maintenance Fund—a separate account with funds allocated to the maintenance of the University Art Collection, and administered by Facilities Management.

Public Art | Policies and Guidelines—the document that gives direction and structure for the accession, acquisition, placement, storage, maintenance, and deaccession of artworks into/from the University Art Collection.

Public Art Oversight Committee (PAOC)—oversees public art decision-making, providing guidance, leadership, and support to the University of Arkansas Executive Committee in its goal to obtain a limited

selection of high quality public art for display on the Fayetteville campus. The composition, terms, and responsibilities of this committee are defined in the Public Art Master Plan.

Public Art Program—the activities and art enhancements generated pursuant to the Public Art Master Plan.

Public Art Project—the creation of public artwork in accordance with the Public Art Master Plan.

Selection Panel—the individuals appointed by the PAOC to recommend artists, propose artwork, and review budget allocations for a Public Art Project.

Student Sculpture Lawn—the grassy quadrangle, south of Fine Arts, dedicated to the display of current student work, which is selected by jury and rotated through a two-year cycle.

University—the University of Arkansas, for which the Board of Trustees is the governing body.

University Art Collection—the permanent collection of artworks held by the University. The collection does not include artworks owned by private entities that own or lease University spaces.

III. GOALS FOR THE UNIVERSITY OF ARKANSAS ART COLLECTION

The university will grow its reputation as an academic leader by including public art as an integral component of its capital program. Therefore, the University of Arkansas will build a proactive public art program through gifts, commissions, and temporary activities, with guidelines and policies that insure the long-term growth of and participation in the program.

IV. ADMINISTRATION

The **Public Art Oversight Committee (PAOC)** is an advisory committee to the chancellor and is the primary recommending body on all decisions regarding public art on the University of Arkansas campus. Committee members serve a two-year term, and may be reappointed. During the evaluation of artistic materials and projects, the committee will meet as often as necessary. Additional advisory members and specialists may be included as needed for specific tasks and projects.

The mission of the Public Art Oversight Committee is to educate and enrich the lives of students and the community through observation of and participation in public art.

Responsibilities of the Public Art Oversight Committee include:

- Setting priorities for tasks and projects to be accomplished within a Public Art Master Plan.
- Establishing the commissioning process and overseeing the selection of artists.
- Meeting all goals and objectives for specific projects.
- Recommending to accept or decline offers of donated art.
- Establishing guidelines and procedures for temporary exhibits and displays.
- Providing a report documenting the selection of works and upcoming exhibits.
- Establishing criteria by which portable works of art may be loaned to museums.
- Establishing guidelines for temporary art exhibits (apart from displays in curated galleries, such as the Fine Arts Center Gallery and Anne Kittrell Gallery).

Membership shall be comprised of the following representatives:

- Vice Chancellor for University Advancement
- Vice Chancellor for Finance and Administration
- One faculty member from the Art Department

- One faculty member from the School of Architecture
- One undergraduate student
- One graduate student
- One member from Facilities Management
- Three at-large faculty or staff members
- One dean
- Five community members

The Chancellor will appoint members of the PAOC and the PAOC chair. Facilities Management is charged with scheduling and implementing the Public Art Master Plan.

A majority of the Public Art Oversight Committee shall constitute a quorum for the transaction of business. A simple quorum majority is required to recommend acceptance of artwork, commission artists, and conduct other business of the committee. The committee chair will present PAOC recommendations to the University Executive Committee for review.

The University Archivist at University Libraries will be responsible for managing and maintaining an inventory of public art and other university-owned art on campus. The Archivist will work cooperatively throughout the campus to ensure that all art works and artifacts, recent and historical, are accounted for, indexed, and described, and that records for them are well maintained, preserved, and made accessible according to national archival standards. The Archivist will also provide reference aids such as accession records, indexes, guides, bibliographies, abstracts, and other forms of documentation as needed to support the research, teaching, and general public needs regarding art works and collections on campus. The Archivist will work in conjunction with Facilities Management on issues related to upkeep, insurance documentation, web access, etc. as needed.

Facilities Management (FAMA) is responsible for implementation of the Public Art Program through its five divisions: Business & Finance, Design & Construction, Building Operations & Maintenance, Utility Operations & Maintenance, and Planning Group, in cooperation with the Public Art Oversight Committee. FAMA will oversee the procurement, installation, inspection, and maintenance of the University Art Collection.

Conflict of Interest. Members of the PAOC, their spouses, domestic partners, or immediate family members may not apply for university artwork commissions. For employees or affiliates of the University of Arkansas, the university's conflict of interest policy shall apply.

V. GIFTED WORKS

The Public Art Oversight Committee (PAOC) will review potential gifts of public art and recommend acceptance or rejection to the chancellor in accordance with Fayetteville Policy and Procedure No. 216.1 and the campus *Public Art / Gift Review Policy*.

VI. COMMISSIONED WORKS

When commissioning a piece of artwork, artists shall be selected in one of the following ways:

- *Open Competition:* The Public Art Oversight Committee and Facilities Management may solicit, through public advertisement / call to artists, requests for qualifications (RFQ) including artists' images, resume, and letters of interest. The panel will review submittals and recommend an artist that meets the defined requirements.

- *Invitational or Limited Competition:* The PAOC and FAMA may invite a limited number of artists to submit applications or prepare proposals. From this limited pool, the panel may recommend an artist based upon established criteria that are relevant and unique to each project.
- *Direct Selection:* The PAOC and FAMA may recommend a specific artist who will be invited to submit a proposal for a specific site for their review. Upon acceptance of the proposal, the artist is commissioned for the project. It should be emphasized that this process is to be employed rarely and with caution, when time is of the essence, and when the only way to secure an art project for a specific site or projects is by way of this expedited process.
- *Artist Rosters:* Because some projects require specialized skills, experience, or technical abilities, the PAOC and FAMA may recommend that an artist(s) be chosen from established, juried rosters.

VII. SELECTION CRITERIA

Artwork selected shall be reflective of high standards and artistic excellence. In the selection of artists and artwork, criteria include:

- Using local, regional, national, and international talent
- Using permanent, temporary, and temporal art: Includes works that are made of permanent or temporal materials and those that are exhibited on a temporary or loan basis
- Ensuring durability (unless an artist working in temporal materials specifies otherwise), low maintenance, and code compliance
- Encouraging repeat viewings
- Avoiding clutter and overdoing
- Serving audiences in both interior and exterior spaces
- Complementing the campus landscape standards
- Ensuring high artistic quality and craftsmanship

Artwork must meet the following requirements in order to be considered for accession into the University Art Collection:

- All works of art shall be created specifically for the site with a conceptual compatibility with the design of the site environment. Simply purchasing a large statue and placing it on the front lawn of a capital project, absent a demonstration of compatibility, will not be viewed favorably.
- The artwork should be an integral part of the site.
- The artwork should not interfere with or compromise the natural or cultural features of the site. While artwork is desirable, it should not come at the expense of heritage trees or other natural enhancements to the site.
- The artwork should aesthetically enhance the capital project and the site.
- If the site or building is of an historic nature, the artwork may acknowledge that history, although this is not an absolute requirement.
- The design should be appropriate to the function of the site.
- The work of art shall be appropriate in scale, form, content, materials, textures, colors and design with the site and surrounding environment.
- Only materials that are permanent, inherently resistant to theft, vandalism, weathering, and easily maintainable shall be acceptable, unless the artwork is temporary or of a purposely ephemeral nature.
- Public art shall be original, and shall have an excellence in artisanship and integrity of materials.
- The artwork must have structural integrity and have appropriate safety elements. Sharp corners or edges are usually not appropriate for artwork displayed publicly.
- The artwork should promote thought, discussion, and reflection and stimulate community awareness of its environment.
- The subject matter of the artwork should be appropriate for public display and should not appeal to a purely prurient interest.

The following work will be considered ineligible:

- Art objects that are mass-produced from a standard design such as site furnishings, fountains, statuary elements, flags, or banners.
- Reproductions, by mechanical or other means, of original works of art, such as posters, digital prints, or straight photography.

VIII. EXHIBITION OF ARTWORKS

Re-siting Artworks. The University of Arkansas reserves the right to relocate or put in storage works of art without the written permission of the artist. If a piece of artwork was created for a specific site, the artist will be notified of the university's decision to relocate the piece. If the alteration, modification, or relocation should occur with the objection of the artist, the work will no longer be represented as the work of the Artist, if the Artist should make such a request in writing.

Loans. The university reserves the right to loan portable works of art to museums that fulfill criteria established by the PAOC.

Temporary Exhibits. On occasion, the PAOC may commission temporary art exhibits by professional artists. The exhibits shall promote art, other cultural appreciation, and visitation to the University of Arkansas campus.

On occasion, temporary displays of work by non-professional artists may be presented to the PAOC for approval. The committee is to be informed of the duration of the display and the manner in which the materials will be displayed. Great care is to be taken to insure the materials are displayed in a professional manner.

IX. INTELLECTUAL PROPERTY

Copyright. The artist retains all rights under the Copyright Act of 1976 (17 USC Section 101) as the sole author of the work for the duration of the copyright. The duration of copyright in the United States is currently the life of the author plus seventy (70) years. Title to the artwork passes to the University of Arkansas upon written acceptance of and payment for the work; copyright belongs to and remains with the artist. Although the client may "own" the work of art, the artist who created the work owns the copyright to the work of art, including all ways in which the work is represented, other than in situ.

Visual Artists Rights Act (VARA). The Visual Artists Rights Act of 1990, known as VARA, (17 USC Section 106A) assures an artist's protection of his/her "visual art" especially as it effects post-sale rights including all drawings, sketches, and prototypes. Under VARA, artists have the right to prevent any intentional distortion, mutilation, or other modification to their work. In some cases where the art is integrated (building, landscape, infrastructure, etc) the University of Arkansas may ask the artist to waive their VARA rights.

Rights to Reproduce the Work. The artist and the University must each agree to the right to reproduce the artwork in any and all forms. Typically, the University will request license to make two-dimensional reproductions of the work for non-commercial and educational purposes. The University, in turn, agrees to include a credit to the artist and a notice of copyright on all such reproductions.

Additional Rights. In compliance with standard professional practice, the University agrees not to intentionally alter, modify, change, destroy, or damage the work of art without first obtaining permission

from the artist. If the artist's work is accidentally damaged, the artist has the right to request that the work not be attributed to the artist until such time as the work is fully restored.

X. ONGOING CONSIDERATIONS

Integrity of the Artwork. The University of Arkansas shall seek to ensure the ongoing integrity of the artwork and the site to the greatest extent possible, in accordance with the artist's original intentions, and consistent with the rights outlined in the 1990 Visual Artists Rights Act. If the public artwork is altered, either intentionally or through repair, in a manner the artist does not think is in keeping with the integrity of the artwork, the artist may request that the work be removed or no longer be presented as his/her creation.

Removal of Artwork from the Collection. Deaccessioning is the process for withdrawal of an artwork from public exhibition through storage, loan, or disposal. Deaccessioning standards shall be such that they are applied after careful evaluation, and not because of changes in fashion and taste.

Criteria for Deaccessioning. An artwork may be considered for deaccession under the following conditions:

- The artwork has been damaged to the extent that repair is impractical or unfeasible, or the cost of repair or renovation is excessive in relation to the original cost of the work.
- The artwork is no longer appropriate for the site because of changes in use, character, or design of the site.
- The artwork endangers public safety.
- The artwork requires excessive maintenance or has faults of design or workmanship
- The artwork is of lesser quality of other works in the collection, or is incompatible with the rest of the collection.
- The security and condition of the artwork cannot be reasonably guaranteed in the present site.
- There is not a suitable site for the artwork.
- The artwork has been stolen.
- The University of Arkansas wishes to replace the artwork with a work of more significance or appropriateness by the same artist.
- The artwork was purchased as a semi-permanent acquisition and the University of Arkansas predetermined period of obligation is terminated.

Procedure for Deaccessioning Artwork. The University of Arkansas reserves the right to deaccession any works of art in accordance with the procedures for deaccessioning works of art established by the university and outlined in the Public Art Master Plan.

The PAOC shall review the recommendations for deaccessioning artwork and recommend actions to be taken. The process shall be conducted in the following manner:

- Efforts shall be made (using the address provided by the artist) to notify any artists whose work is being considered for deaccessioning. The artist may attend the PAOC meeting(s) where the deaccessioning and/or disposition recommendations will be considered.
- All artworks under consideration for deaccession will be accompanied by a report prepared by the PAOC or FAMA to include: reasons for the suggested deaccession; acquisition method, cost and current market value; documentation of correspondence or negotiation with the artist or donor; photo documentation of the artwork or site conditions (if applicable); contract restrictions, if any; options for storage or disposition of the work; and recommended action.
- The PAOC may request additional information from art conservators, curators, or other arts professionals or include these professionals in its deliberations and consideration of a deaccession recommendation.

- In the event the PAOC recommends to remove a work of commissioned art, if the recommendation is approved by the Executive Committee and the Chancellor, the Artist shall have the first right of refusal to purchase his/her artwork (at current market value), providing it stands alone and is not integrated into a larger piece.
- In the event the PAOC recommends to remove a work of donated art, and the recommendation is approved by the Executive Committee and the Chancellor the Donor shall have the right of refusal to purchase the artwork (at current market value), providing it stands alone and is not integrated into a larger piece.

Records of Public Art. The *University Archivist* will be responsible for maintaining a database of all Public Art in its collection. The database and/or files will include the following information:

- Copies of all correspondence and submittals from the donor(s);
- Copies of all correspondence and submittals to the donor(s) from the university;
- Copies of all executed title documents;
- Copies of all other documentation associated with a particular item(s), including but not limited to: drawings, photos, written descriptions, estimates of costs associated with acquiring, maintaining, providing security and legal expenses, etc.; any agreements between the university and the donor(s) regarding the item(s); all estimates of value and appraisals, any public comment on the item(s); environmental impact reports or studies, if applicable; all written descriptions of the background/historical information associated with the item, including information about the creation of the item(s) and the artist(s) who created it; any warrant of originality; and other information acquired by the university pertaining to the item(s);
- Copies of Title Transfer Documents and any other written agreements between the University and the donor(s);
- Records of maintenance; and
- Records of deaccessioning.

XI. DISTRICT PLAN

A copy of the current District Plan is shown. This plan will be supplemented by recommendations for physical placement of public artworks in collaboration with the PAOC. The plan will be developed by Facilities Management Planning Group, in accordance with campus master planning goals and in coordination with anticipated capital projects.

