



PUBLIC ART | GIFT REVIEW POLICY

The University of Arkansas may receive offers of artwork for the University Art Collection. In this case, 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. 216.1.¹ For each proposed gift of public art, a written proposal or letter of intent must be submitted to the PAOC. The proposal must include, at minimum, specifications of the proposed gift, including artist, title, dimensions, materials, date and proposed location (if appropriate). For existing objects, the definite work of art will be presented for review, when feasible.

The review process will ensure that:

- Gifts maintain high artistic standards for artworks in the university public art collection and are appropriate in relationship or historical relevance to the university;
- The site available is appropriate to the artwork's content, scale and material. Factors to be considered in selecting an appropriate site include relationship to architectural and natural features, visibility and public access, traffic patterns, future development plans for area, if known, and public use patterns of the site;
- Restrictions from the donor, if any, are clearly identified;
- The current and future status of the intellectual property rights to the work or planned work, including, without limitation, that all works are considered "works made for hire" and owned exclusively by the university as well as the right to make and sell reproductions of the works; and
- Costs of installation and maintenance and repair over the expected life of the artwork are defined.

Once reviewed, the PAOC will recommend to the chancellor whether to accept or reject the public art. Should the public art be accepted, the terms and conditions for acceptance will be delineated in a gift agreement between the university and the donor.

All future decisions regarding the use and continued ownership of gifted public art will be under the sole discretion of the university. As owner of the work, the university, in its sole discretion, may exercise any and all legal rights of ownership including, but not limited to, sale, relocation or removal of the artwork.

CRITERIA FOR ACCESSIONING GIFTS

In considering acceptance of works of art, the PAOC will use the following criteria:

- Does the work fit the Public Art Master Plan and meet the criteria for selection?
- Does the work further the overall identity of the University and enhance the existing collection?
- Is the work of high quality?
- Is the work durable?
- Does the gift include a maintenance endowment and provisions for lighting, security, and insurance in accordance with University policies and standards?
- Is there an appropriate location/site available for the work?
- Is the offer of donation adequately documented? (as outlined below)
- Is the gift safe for public display?
- Are all legal issues addressed, including but not limited to the ability of the current legal owner to deliver unrestricted clear legal title, together with all applicable copyrights, patents, or other title rights in or to the item(s) without any limitations or conditions on the University's ownership and the time and costs required to acquire the item(s)?

¹ Available for download at <http://vcfa.uark.edu/Documents/2161.pdf>.

LOANED WORKS OF ART

In some cases, the PAOC may recommend acceptance of a gift for a specified loan period, and thus it will not be formally accessioned. The following considerations will be made concerning the acceptance of loaned item(s):

- The condition of the item(s) and possibilities for damage to the item(s) to be loaned.
- The capabilities of the University of Arkansas to handle, house, and care for the loaned item(s).
- The agreement of the owner to bear the costs of the loan.
- The ability of the University of Arkansas to obtain adequate insurance coverage for the loaned item(s) and agreement of the owner to bear the cost of insurance coverage.
- The time period and conditions of the loan.

MATERIALS FOR REVIEW

All offers to donate or loan an item to the University of Arkansas should be in writing, and accompanied by information adequate to evaluate the proposed donation. At its discretion, the PAOC may require information including, but not limited to, the following:

- Drawings, photos, or written descriptions of the item(s) to be donated (including size, colors, weight, materials, and any information that will establish that the item has the requisite physical integrity to withstand public display and withstand exposure to the natural elements).
- Method of display (including any necessary hardscaping, landscaping, security devices, anchoring, or other information necessary to insure public safety).
- An explanation of why the item(s) should be displayed at the University of Arkansas and how the display of such serves and is appropriate to the campus community.
- Estimates of the costs of installing the item(s) for public display, including but not limited to: physical anchoring of structures for display, retrofit of existing buildings or improvements, landscaping, lighting, security, maintenance and insurance.
- A statement of compliance with University site planning standards, identified in the Design and Construction Guide for Buildings and Landscapes (available at planning.uark.edu).
- A written explanation of legal issues, including but not limited to, identifying the current legal owner of the item(s), the existence of any copyrights, patents, or other title rights in or to the item(s), and an explanation of any conditions or limitations on the donation of the item(s).
- The estimated value of each item, including appraisals of the item(s) if available (the University will not provide formal appraisals on donated items for tax deduction or other external purposes).
- The anticipated date for the donation or loan to occur.
- Anticipated life of the item(s).
- Environmental effects of the item(s).
- A written description of the background/historical information associated with any donated art item, including but not limited to information about the creation of the item(s) and the artist(s) who created it.
- A warrant of originality (if applicable).
- Agreement of donor to pay for all costs associated with donation.
- Any additional information the PAOC deems necessary or appropriate to analyze the offer of donation or loan.

A failure to provide the information requested by the Public Art Oversight Committee may result in rejection of the offer of donation or loan if the committee deems the documentation insufficient to evaluate the artwork.

Committee Review. The PAOC will review the supplied materials and make arrangements, if possible, to view the item(s) to be donated or loaned. If such display is not practical or possible, photographs and/or drawings will be reviewed. Once the PAOC has completed its assessment of the proposed donation or

loan, the committee will be responsible for making a written recommendation to accept or reject the offer to the Chancellor. The PAOC has no obligation to accept, display, or maintain any items donated to the University of Arkansas. Once an item is formally accepted, the University of Arkansas shall be the sole owner of the donated item(s) and will have the right, in its sole and absolute discretion, except as limited by written title documents, to deaccession any donated item(s) without providing notice to or obtaining the consent of the donor.

Bequests. Objects bequeathed to the University preferably should be approved for acquisition prior to the University being designated as beneficiary. All objects bequeathed to the University are subject to the acquisition and accession process defined by the *Public Art Framework / Policies and Guidelines*. The University of Arkansas shall observe appropriate confidentiality with regard to accepted testamentary distribution of objects. The University is not legally bound to acquire objects that are bequeathed to it, unless by prior agreement.

Condition of Title. The University of Arkansas prefers donated item(s) given with legal title that is free and clear of any restrictions or limitations as to use or future disposition of the item(s). Donated item(s) may, however, be accepted with title restrictions or limitations if the PAOC pre-approves the title restrictions or limitations and such are expressly stated in the title conveyance documents.

Legal Documents. Before donated item(s) is/are accepted by the University, transfer or title documents, including any limitations or restrictions on the transfer or continued ownership of the donated item(s) as well as any agreement between donor and the University regarding it, must be prepared by, or approved by, University Legal Counsel. For gifts of art, a Gift Agreement signed by the donor will confirm that the donor owns the item(s) and has the right to pass title.