12.50 – Art, Archives and Other Collections

A. Purpose

To ensure the proper acquisition, inventory, professional care and use of the university's art, archives and other cultural collections.

B. Scope of Application

This rule applies throughout the NMSU System; it addresses all art owned by NMSU, including art acquired to become part of the university's permanent art collection (i.e. those works of art in the custody or control of the Art Gallery), art acquired via the Art in Public Places Act, art donated to or acquired by any NMSU entity.

C. Rule Administrator

These administrative rules and procedures are administered by those officials with continuous position appointments to the Art Gallery Acquisitions Committee and the University Cultural Collections Committee,
the University Museum, University Archives, as well as by appropriate state personnel and committees formed pursuant to the New Mexico Art in Public Places Act.

D. General Guidelines

1. Art Belonging to NMSU

Works of art for museums or for display in public buildings or places are distinct from other types of personal property owned by the NMSU Board of Regents. The acquisition of art is exempt from the New Mexico Procurement Code, but is subject to other state requirements and other university requirements relating to gifts in kind. For the purpose of this rule, “art acquisition” includes the receipt of artwork through any means, including purchases using publicly appropriated or privately donated funds, commission, gift, trade, transfer, exchange, or bequest. The Art Gallery coordinates the management of all university owned art. It is the Art Gallery’s charge to exhibit, maintain, and preserve the university's art consistent with current professional standards. The Director of the Art Gallery serves as the curator of the NMSU System art collections.

2. Mission of the Art Gallery

Through the exhibition, research, and interpretation of original works of art, the Art Gallery supports the University's pedagogical goals and endeavors to educate its audience and raise its awareness to the diverse and valuable experience available in the visual arts.

3. Art Committees

The following committees are hereby recognized:

- a. The Art Gallery Acquisitions Committee, a standing committee charged with identifying and recommending acquisition of artwork for the NMSU permanent collection, as well as making recommendations for the conservation and presentation of art in the cultural collections owned by the university. The Art Gallery Acquisitions Committee is the committee granted the authority to approve expenditures from the NMSU Permanent Art Collections Account, in collaboration with other members of the university community and in accordance with the provisions outlined herein. See subsection E. below.

- b. The University Cultural Collections Committee, a standing committee charged with approving the acquisition of art and other cultural collections available or offered to NMSU, and with decisions relating to the conservation and presentation of art and other objects in the cultural collections owned by the university.

4. NMSU Archives and Special Collections

NMSU Archives (Hobson-Huntsinger University Archives) selects, preserves, houses, and makes accessible all records of enduring value created by administrators, faculty, students and alumni of New Mexico State
University. Through its programs the University Archives seeks to illuminate the history, evolution, and societal role of the institution.

a. **Political Papers Archives**: Political paper archives consist of the congressional, selected gubernatorial and personal papers of senators and members of both the state and U.S. House of Representatives and U.S. Senate from New Mexico serving from 1916-present, highlighting their political careers at the local, state, national, and international levels.

b. **Reprographics/Digital Duplication**: This division responds to internal and external reproduction requests, as well as coordinates regarding conservation and cataloguing photographic materials and audio and video recordings that are added to the collections.

c. **Rio Grande Historical Collections (RGHC)**: The RGHC division acquires, preserves, and makes available for research records of organizations, personal papers, and other unpublished materials which document the cultural heritage and history of New Mexico and the Spanish Borderlands.

d. **Special Collections**: The Special Collections division houses published research materials including books, periodicals, maps and newspapers. The most heavily used of these materials relate to the history, culture, peoples, and resources of New Mexico; the broader Southwest and the Borderlands; and materials supporting specialized university programs.

### E. Art Acquisition

This subsection does not address the acquisition of art for capital improvement projects, which is governed by state law. See subsection I. below.

#### 1. Funding

The university shall set aside a sum each year in the NMSU Permanent Art Collections Account, an amount equivalent to $1 for each student enrolled full time each academic year, for the restricted use of funding the acquisition, conservation and presentation of works of art. The Art Gallery Acquisitions Committee is the entity authorized to approve expenditures from this account.

#### 2. Criteria

All works of art proposed for acquisition, conservation or presentation for the benefit of the university may be evaluated by the Director of the Art Gallery, the Department Head for the Department of Art, or any other interested individual member of either the Art Gallery Acquisitions Committee or the University Cultural Collections Committee. All recommendations shall be considered by the University Cultural Collections Committee, which shall make the final decision on behalf of the university, based on the following criteria:

a. **Quality, Condition and Aesthetic and Academic Value**: The quality and condition of the object, aesthetic value and appropriateness to the academic environment and the department to which it is donated. The object under consideration should be relevant to an existing collection or should be capable of forming the nucleus for a new collection. The value of the object for scholarly use within an established collection on campus should be considered.
b. **Care and Maintenance Requirements**: The university is committed to properly care for and maintain the objects in its cultural collections in accordance with acceptable professional standards. The director of the Art Gallery, a representative of the Art Gallery Acquisitions Committee (other than the director of the Art Gallery), and the chair of the University Cultural Collections Committee are also charged with bringing issues such meeting professional standards for adequate storage, protection, and preservation to the attention of the two committees for resolution.

c. **Security and Logistical Concerns**: The security and appropriateness of the location for installation of the object. Considerations for protection of the object through security systems and insurance restrictions should also be considered.

d. **Purpose for Acquisition**: The intention is that an object shall remain in the collection so long as it retains its authenticity, pertinence to the collection, and physical integrity. Short range acquisition for the purpose of later sale, as well as speculative acquisition for short-range sales should be discouraged and then only entered into with the express approval of the Art Gallery Acquisitions Committee and the University Cultural Collections Committee.

e. **Legality**: NMSU will operate with due diligence in researching the background of any art objects to be acquired in order to assure compliance with applicable state and federal laws.

### 3. Decision making Authority

The responsibility to search for accessions is shared between the director of the Art Gallery, the Art Gallery Acquisitions Committee and the University Cultural Collections Committee. University officials, faculty, staff and other support groups of the Art Gallery shall not obligate the university to any acquisition; prospective donors or sellers should be advised that all objects proposed for acquisition by the university are subject to review and recommendation from the director of the Art Gallery and the Art Gallery Acquisitions Committee, and approval from the University Cultural Collections Committee, subject to these administrative rules and procedures and other gift acquisition protocols which may apply.

### 4. Valuation of Gift Art

NMSU officials, faculty, staff or other agents shall not participate in the appraisal of gifts of art, archival material or other special collectible offered to the university for the purpose of establishing the tax deductible value.

### 5. Acquisition by Gift or Bequest

a. **Donor Restrictions**: The university prefers to receive gifts free of restrictions that might affect the university’s ability to utilize the gift in the most efficacious manner on behalf of the students and the NMSU community. There can be no commitment to permanent display, nor can the university commit to retain ownership in perpetuity. Every effort should be made to limit restrictions to a reasonable period, after which they will expire. Any restriction shall be documented and maintained with the records pertaining to the gift and kept on file at the Art Gallery.

b. **Gift Agreement**: The gift of objects or works of art needs to be formalized in a deed of gift agreement which includes statement of transfer of legal title and where applicable, copyright and literary rights and signature of the donor. The deed of gift or a copy of the deed of gift should be kept on file at the Art Gallery. **Documentation should include:**

   i. Name and address of donor and intermediary, if any;
ii. Description of the object in sufficient detail to enable easy identification and a photograph;
iii. Date of acquisition by the donor and method of acquisition;
iv. The original cost or appraisal of the object at the time of original acquisition;
v. Any records, receipts or other documents that provide proof of ownership;
vi. Date of donation to the university and date of acknowledgment;
vii. A history of the object and any information that may have bearing in its authenticity or enhance its educational value;
viii. A current appraisal by an independent qualified appraiser;
ix. Factors used to arrive at the current value;
x. De-accession of the object, if not retained by the university; and
xi. Any restrictions or conditions placed on the gift by the donor and the expiration date of the conditions.

6. Acquisition by Purchase

The purchase of a work of art for the university, either through commission or purchase, will be formalized by a written contract for commission or bill of sale. Proposals will be reviewed by the director of the Art Gallery, the Art Gallery Acquisitions Committee and the University Cultural Collections Committee. Contracts will follow the template created by these committees, if any, in consultation with the university's general counsel.

7. Acquisition by Incoming Short Term Loan

Under ordinary circumstances, the university does not accept deposits of objects or works of art unless there is reason to believe that the deposit will be changed to a permanent gift to the university or that it is unlikely that the object of value will be preserved in any other way. The university will provide professional care for art objects received on loan, but will not assume responsibility for any loss or injury to the deposit which may occur. Should an object be received for long-term loan, the specific period of the loan shall be defined in a written loan agreement at the outset. Loan agreements shall follow the template created by the Art Gallery Acquisitions Committee and the University Cultural Collections Committee, if any, in consultation with the university's general counsel.

8. The following documentation will be maintained for all incoming loans

copies of all loan forms; incoming and outgoing condition reports, to include any special requirement for the object; all records of transport; any records that pertain to the work with regard to value and insurance.

F. Art Inventory, Custody and Conservation

1. Designation of Art Custodian and Duties: Any NMSU entity physically in possession of a work of art shall assign a specific person to serve as custodian of the art and liaison to the director of the Art Gallery. At least once annually, as directed by the director of the Art Gallery, the designated unit art custodian shall annually verify the object is secured in accordance with standards for insurance against
risk of loss, and document its physical condition and location. The art custodian shall send the results of this art inventory to the director of the Art Gallery.

2. **Art Conservation**: All proposals for necessary restoration and repair to works of art shall be presented to the Art Gallery Acquisitions Committee and the University Cultural Collections Committee for consideration. Professional conservators should be consulted when feasible. If restoration work is needed, requests for funding should be submitted through normal administrative channels. University administration is responsible for the cost of conservation of university art. Should conservation be unfeasible and the poor condition of a work of art impugn the integrity of the piece, the work should be removed from view, or in the case of murals, be appropriately covered, upon consultation with the Art Gallery Acquisitions Committee and the University Cultural Collections Committee.

G. Outgoing (Short Term) Loans from the University’s Permanent Art Collection

1. **Short Term Loans to Other Public Institutions**

In keeping with its traditional support of scholarly and educational exhibitions, the Art Gallery may loan NMSU works of art to qualified educational and exhibiting institutions for up to one year. **Prior to lending, the following conditions must be met:**

   a. The object to be loaned must be able to survive, intact, the rigors that will be imposed by transportation and handling.
   b. The borrowing institution shall have proper environmental controls, qualified handlers, and adequate security for the protection of the object. Facilities reports will be required.
   c. The director of the art gallery shall ascertain that there will be no immediate need for the work within the NMSU community.
   d. The borrowing institution will provide wall to wall insurance; a certificate of insurance will be required.

2. **Long-Term Loans from Collection to Other Public Institutions**

Loans to institutions for extended tours, exceeding 1 year, may be made at the discretion of the art gallery director, on the condition that all institutions involved in the tour meet the above qualifications for loan. Long-term loans from the permanent collection may be made from time to time to other institutions at the discretion of the art gallery director. Objects selected for such loan should not be of primary importance to the NMSU art collection, nor be of substantial value.

3. **Record of Outgoing Loans**

For all short and long term outgoing loans, the following records will be maintained: copies of all loan forms; incoming and outgoing condition reports, to include any special requirement for the object; all records of transport; any records that pertain to the work with regard to value and insurance.
H. De-accession

A de-accession is the removal of an object from the university's art collection with legal transfer of title or other appropriate action. The following de-accession process applies in the event any university department wishes to dispose of a university owned work of art.

1. Requests for De-accession

The director of the Art Gallery shall present a written request for de-accession to the Art Gallery Acquisitions Committee and the University Cultural Collections Committee. The request should include a justification and a proposed destination for the work of art. Written outside appraisals will be sought for any object of significant value that is being considered for de-accession. The Art Gallery Acquisitions Committee and the University Cultural Collections Committee shall make its recommendation(s) to the NMSU Board of Regents. An object should not be de-accessioned on the grounds of taste, current or otherwise. The Art Gallery Acquisitions Committee and the University Cultural Collections Committee should discourage the sale of objects without clear justification and deter the sale of objects for revenue.

a. Reservation for Distinct Special Collection: If the director of the university museum, or the library's archives and special collections department head desire the object for a collection, the Art Gallery Acquisitions Committee and the University Cultural Collections Committee should release the object for approval by the acquisitions committee of the established collection. If the object is not desired for an established collection, the de-accession process shall continue.

b. Current Restrictions on Gift of Art: Objects with mandatory donor restrictions may not be de-accessioned prior to expiration of any time limitation or until permitted by a court of competent jurisdiction. If it is practical and reasonable to do so considering the value, the Art Gallery should notify the donor if it intends to dispose of such objects within 10 years or the donor’s lifetime, whichever is shorter. If there is any question as to the intent or force of the restrictions, the Art Gallery will seek advice from the university’s general counsel.

c. De-accession of Objects: The manner of de-accession chosen will be in the best interest of the Art Gallery and its collection. Any profit from the de-accession will be applied to acquisitions and/or art conservation. Consideration may be given to placing the object through gift, exchange, or sale with another tax-exempt public institution. If the object is to be sold to a non-public entity, a public auction or other publicly noticed sale should be conducted. Staff and officials of the university are ineligible to purchase or otherwise acquire NMSU works of art. If any profit is accrued through the sale of an object, it shall be deposited into the NMSU Permanent Art Collections Account.

d. Respect to Artist: The de-accession of works will be accomplished in such a manner that it will not impugn the reputation of the artist or the artist’s body of work. Should the de-accession of works by living artists be required, the feelings of the artist should be respected and whenever possible, the artist should be consulted regarding the de-accession of the work of art.

e. Documentation of De-accessioned Objects: Full record of all exchanges and sales will be maintained. Records of the Art Gallery shall document the de-accession process and the final destination of the object.

2. Museum Items

https://arp.nmsu.edu/12-50/
In the absence of a specific de-accession procedure for items in the University Museum, the above art de-accession procedure shall apply. The Dean of the College of Arts and Sciences is authorized to promulgate rules and procedures for the de-accession of museum items.

I. Art Acquisition for Capital Projects

1. New Mexico law, at NMSA 1978, § 13-4A-1 et seq, known as the Art in Public Places Act, requires one percent of the amount appropriated for new construction or major renovation or $200,000, whichever is less, to be allocated for the acquisition and installation of works of art. New Mexico Arts, a division of the New Mexico Office of Cultural Affairs administers such acquisitions. Expenditures for works of art are required by law to be contracted for separately from all other items in the new construction of the public building.

2. The state’s guidelines include the involvement of a Local Selection Committee, consisting of members reflecting the cultural diversity of the community and with an interest in the project. The membership typically includes a representative from the users of the building, the owner representative or designee, an architect, an arts professional or community art representative, an artist not competing for the project, and up to two community or student representatives or a member of the Board of Regents.

3. The university architect, the director of the Art Gallery, and the head of the Department of Art shall serve on all Local Selection Committees as position appointments, as long as permitted by applicable state regulations. The Local Selection Committee is responsible for selection of art for the identified public building, using the public selection process and adhering to the procedures developed by the New Mexico Arts division. Those procedures may be viewed at NMAC 4.12.11.2 through 11.16.

J. Additions to the University’s Archives:

This subsection establishes a set of standard guidelines by which records proposed for addition to the NMSU archives collection will be appraised during the acquisition process.

1. **Ownership and Disposal Authority**: The records of the official activities of the units and staff of NMSU are the property of the institution. Their de-accession is controlled by the NMSU Board of Regents or subject to state and federal law. Proposals to dispose of records should be reviewed by and receive the concurrence of the Department Head for Archives and Special Collections.

2. **Appraisal Guidelines**: See NMSU Archives Appraisal Guidelines for records. [NMSU Library: Policies and Procedures – Policy #012](https://arp.nmsu.edu/12-50/)

3. **Authority to Accept**: The NMSU Board of Regents has delegated authority to the Archives and Special Collections Department, with the approval of the dean of the University Library, to accept on behalf of the university, collections of documents of 100 cubic feet or less. Other larger collections may only be
accepted by the Chancellor or the executive vice president and provost in accordance with other applicable NMSU gift acceptance policies. Such larger collections shall be reported to the Board of Regents.
ARP Maintenance

The Administrative Rules and Procedures (ARP) is maintained by University General Counsel. Inquiries should be directed to gencounsel@nmsu.edu

Policy Maintenance

The Administrative Rules and Procedures of NMSU Manual is maintained by University General Counsel. Inquiries should be directed to gencounsel@nmsu.edu.

Proposals Under Review

Proposals for new and revised rules are available to NMSU stakeholders on the UGC SharePoint site.

Related Sites

University General Counsel
Regents Policy Manual
Business Procedures Manual
Other University Regulations
Board of Regents