



www.BataviaPublicLibrary.org

## Policy on Art

---

*The mission of the Batavia Public Library is to provide and ensure access to materials and services to meet the lifelong learning needs of residents and organizations, as well as to create a welcoming place to gather, exchange ideas, and participate in cultural events.*

In support of this mission, the Board of Trustees of the Batavia Public Library District welcomes the acquisition of art for its permanent collection, and the display of art from its permanent collection, in order to enrich the Library and provide a more culturally diverse place to gather.

### **Methods of Acquisition:**

1. All works of art acquired by the Library shall become the sole property of the Library and shall not be encumbered or restricted in any way. Title shall vest in the Board of Trustees of the Batavia Public Library District. Under extraordinary circumstances, an exception may be made by the Board of Trustees.
2. Works of art may be added to the collection by any of several methods:
  - Gift or bequest (the Library will not accept any such item that is not an outright gift);
  - Purchase;
  - Commission;
  - Exchange; or
  - Any other transaction by which clear title to such works of art passes to the Library.
3. In the case of unique or otherwise significant objects, or under extraordinary circumstances, the Library will consider acquiring works of art on a long-term or indefinite loan basis.
4. The UNESCO “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property” (14 November 1980) shall be observed. (Full text is available at [http://www.unesco.org/culture/laws/1970/html\\_eng/page1.shtml](http://www.unesco.org/culture/laws/1970/html_eng/page1.shtml).)

### **Selection Criteria:**

1. The Standing Committee on Art may engage professional artists or consultants to assist in evaluating existing works of art.
2. The potential acquisition of existing works of art will be evaluated according to the following selection criteria, some of which may be mutually exclusive:
  - Artistic considerations:

- Warranty of authenticity and satisfactory provenance (outside counseling and expertise will be used as needed)
  - Artistic merit, including consideration of artistic, social, and historical significance
  - High artistic standards
  - Relationship to other works in the permanent collection
  - Supports the Library’s commitment to creating a diverse collection
  - Imagery or subject matter that engages the public
  - Local or historical considerations:
    - Local or regional artists
    - Responds to Batavia or to the Fox Valley region
  - Physical considerations:
    - Good physical condition
    - Storage requirements; ability to store and move objects as space needs change
    - Scale that is appropriate for specific areas of the building or grounds
    - Compatibility of the work of art within the context of the Library
  - Financial considerations:
    - Estimated costs associated with fabrication and installation (including site preparation, plaque, and unveiling / dedication event, if any)
    - Estimated costs of proper care, including storage and future preservation, conservation, and maintenance
    - Estimated cost of proper insurance based on a statement of value (i.e., amount of artist’s commission or contract, or professional written appraisal of existing works of art)
    - Liability issues (e.g., susceptibility to normal wear, susceptibility to vandalism, potential risk to the public, public access, compliance to ADA requirements, and special insurance requirements)
    - Special maintenance requirements (e.g., fragility, etc.)
  - General considerations:
    - The Library will not consider any condition imposed by a donor, lender, or seller that contains advertising.
    - The Library will not acquire any materials that attach the condition of periodic or permanent display.
3. The Library must be able to properly insure all acquired works of art.

**Guidelines for the Acquisition of Existing Works of Art:**

1. In order to determine whether to accept gifts, bequests, or indefinite loans, or to purchase particular works of art, the Standing Committee on Art will review and evaluate such works of art and make a recommendation to the Board of Trustees on whether to proceed.
2. The Standing Committee on Art is responsible for selecting works of art for acquisition, and presenting a recommendation to the Board of Trustees of the Batavia Public Library District with a statement describing the provenance, quality, and desirability of approving the selection.

3. Following the recommendation of the Standing Committee on Art, the acquisition of all works of art must be considered for approval by the Board of Trustees.
4. If Library funds are used to acquire a work of art, the Library will purchase the art object from the seller. If private funds are used to acquire a work of art, the donor may directly purchase the art object from the seller and then present it to the Library.
5. The donor(s) shall provide the Library with a Deed of Gift, signed by the donor(s) in a form approved by the Library.
6. As a condition of acquisition, the Library may arrange to have an object shipped to the Library and supervise its installation.

**Guidelines for the Commission of New Works of Art:**

1. In order to commission new works of art, the Standing Committee on Art will develop a course of action that is fair and open, and which may involve members of the community, and recommend such commission to the Board of Trustees.
2. Following the recommendation of the Standing Committee on Art, the commission of a new work of art must be considered for approval by the Board of Trustees.

**Additional Guidelines:**

1. Approved works of art that are gifts or bequests are tax deductible to the extent allowed by law.  

Note: Individuals can made tax-deductible gifts to libraries and other governmental bodies without the benefit of 501(c)(3) status. However, many private, corporate, and community foundations will only make gifts to 501(c)(3) organizations. Individuals who direct their giving through charitable gift funds at financial institutions, as well as corporate matching gift programs, may also require that an organization have 501(c)(3) status.
2. The Library does not issue appraisals of any kind for works of art.
3. The President of the Board of Trustees and the Library Director may acknowledge gifts and bequests by letter.
4. When deemed appropriate, the Board of Trustees shall direct the staff to obtain appraisals of works of art that have been acquired.
5. Immediately upon receipt of a work of art by the Library, the art object shall be registered. Registration information shall include, at a minimum, the following items:
  - Registration number, consisting of the year donated and item number in order of receipt. This number will be marked permanently on the art object for identification.
  - A detailed physical description of the work of art.
  - Photograph(s), for purposes of record and identification.
6. The Library shall be responsible for maintaining all records of an acquired work of art, including a copy of the Deed of Gift, registration, an appraisal, and cataloging and condition reports.
7. Artwork in the permanent collection will be displayed solely at the discretion of the Library.
8. Artwork in the permanent collection, not currently on display in the Library, can be displayed in the staff offices and common areas at the discretion of the Library Director.
9. A plaque, museum-style signage, or some other similar appropriate device may be affixed on or near a work of art, describing the object and listing the donor(s) and other pertinent information.

10. The artwork in the permanent collection will be reviewed periodically by the Standing Committee on Art with regard to relevance and appropriateness for the collection, as well as to placement within the Library.

**Guidelines for Deaccessioning Artwork:**

1. The Library reserves the right to remove artwork from the permanent collection that is judged to be no longer appropriate for the collection. Criteria include, but are not limited to:
  - Works that are too large to fit into available or prospective locations;
  - Situations where cost to repair work exceeds the value of the work itself; or
  - Works that no longer meet the criteria of for the collection.
2. The Library reserves the right to dispose of removed artwork as it sees fit, in accordance with the laws of the State of Illinois governing the disposal of Library property. Possible options include:
  - Obtaining a professional appraisal, as necessary, and providing for sale of the work of art;
  - Offering the work to the original artist or original donor(s) at a price or for an exchange;
  - Offering the work to other public facilities, including schools; or
  - Otherwise disposing of the work in an appropriate manner.

**Intellectual Freedom:**

1. The Library should not censor or remove a work of art because some members of the community may disagree with its content.
  2. Those who object to the content of any display of art at the Library may submit their complaint according to the administrative rules and regulations established by the Library.
- 

**Approval History:**

- Supersedes the Policy on “Batavia Public Library Arts Commission” (repealed on Tuesday, 15 February 2005)
- Adopted by the Board of Trustees on Tuesday, 15 March 2005



www.batavia.lib.il.us

ESTABLISHED CONDITIONS for DEED OF-GIFT  
to the  
ART COLLECTION of the BATAVIA PUBLIC LIBRARY DISTRICT

Gifts of art and artifacts are accepted by the Board of Trustees of the Batavia Public Library District (hereinafter "Library") to broaden the resources of the Library. The following terms of agreement are intended to ensure the broadest and most effective fulfillment of that goal:

1. Gifts must be legally owned by the Donor and free of liens or claims;
2. Gifts become the sole property of the Library;
3. Disposition of gifts is at the discretion of the Library;
4. All appraisals of value shall be the sole responsibility of the Donor; and
5. Contributions of all works of art and/or funds are tax deductible within the limits prescribed by the U.S. Internal Revenue Code.

This agreement is made and accepted subject to the foregoing terms and those hereinafter stated.

DEED of GIFT

**Declaration of Gift:** By these presents, I (we) hereby irrevocably and unconditionally transfer to the Library, by way of gift, all my (our) right, title, and interest, in and to the following object(s) which I (we) own:

IN WITNESS WHEREOF, the parties hereto have executed this Deed of Gift at Batavia, Illinois.

By (SIGNATURE): \_\_\_\_\_, Donor

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State ZIP Code: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,

by \_\_\_\_\_ (NAME OF DONOR).

(SEAL)

\_\_\_\_\_  
Signature of Notary Public

By (SIGNATURE): \_\_\_\_\_, Donor

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State ZIP Code: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,

by \_\_\_\_\_ (NAME OF DONOR).

(SEAL)

\_\_\_\_\_  
Signature of Notary Public

This gift is accepted by the Board of Trustees of the Batavia Library District, Illinois.

By (SIGNATURE): \_\_\_\_\_, President, Board of Trustees

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Attest (SIGNATURE): \_\_\_\_\_, Library Director

Name: \_\_\_\_\_

Date: \_\_\_\_\_