

Oakville Galleries

PERMANENT COLLECTION POLICY March 2024

Oakville Galleries' Permanent Collection Policy consists of the following sections:

- I. Preamble
- II. Permanent Collection: Intent and Goals of the Policy
- III. Conservation and Collections Management: Standards and Procedures
- IV. Acquisitions
- V. Deaccessions

SECTION I. PREAMBLE

Introduction: Oakville Galleries is committed to enriching the cultural landscape of our community by collecting, exhibiting, and promoting Canadian and international contemporary art that fosters critical dialogue, cultural diversity, and artistic innovation. This Section outlines the guiding principles and procedures that govern the acquisition of contemporary artworks for our permanent collection, hereinafter referred to as, “the Collection”.

Collecting Focus:

The Permanent Collection prioritizes artworks that:

Are Contemporary: We prioritize artworks by professional contemporary artists as determined through professional curating led by the Executive Director in consultation with curatorial staff members.

Engage Discourse: Artworks embedded in critical discourses with the world of ideas and international dialogue will be sought after.

Showcase Cultural Diversity: The permanent collection will include artists from a range of backgrounds, identities, and experiences.

Demonstrate Relevance: The permanent collection will include artworks that have the potential to resonate with current and future audiences.

Relate to Our Program and Permanent Collection: Artworks that have been exhibited in curated exhibitions at Oakville Galleries or that are made by artists who have exhibited—or will exhibit—with Oakville Galleries will be prioritized for acquisition.

SECTION II. PERMANENT COLLECTION

A. INTENT STATEMENT

The Permanent Collection is a principle focus of Oakville Galleries. As a not-for-profit charitable public art gallery governed by an autonomous Board of Directors, Oakville Galleries is committed to developing and maintaining a permanent collection that serves as a legacy for the Oakville community. Through its permanent collection, Oakville Galleries encourages the public to regard art as an integral part of their lives.

Oakville Galleries' mandate gives clear direction to a commitment to contemporary art and developing fields of practice rooted in the present. Acquisitions from its significant exhibitions play an important role in the development of Oakville Galleries' permanent collection. Through purchases and donations, the Galleries continually seeks to enhance its strengths and to expand the representation of diverse artistic practices in its permanent collection in response to new developments in art locally, nationally, and internationally.

Access to the permanent collection is a cornerstone of policy and practice at Oakville Galleries. As a public art institution, Oakville Galleries has a responsibility to accomplish the following:

- Ensure conservation standards/requirements are met and maintained
- Maintain a complete archive of the permanent collection containing accession files, artist research files, and visual documentation
- Encourage diverse approaches to interpreting its holdings for current and future audiences by:
 - Adopting the model of the laboratory, to research, test and evaluate new ways of thinking about and interacting with contemporary art
 - Generating publications which record the exhibition of the permanent collection, stimulate thought, and extend creative vision
 - Exhibiting works in a variety of contexts, constantly recontextualizing the permanent collection to demonstrate a plurality of work and opinions
 - Facilitating loans and extending access through touring exhibitions.

B. GOALS OF THE PERMANENT COLLECTION POLICY

The purpose of this policy is to provide direction for the ongoing development and enrichment of Oakville Galleries' permanent collection and to identify the significant other policies, which relate to the conservation and management of the permanent collection.

In particular:

- Works of art intended for Oakville Galleries' permanent collection must be acquired and accessioned according to the criteria and procedures prescribed in the Acquisition Section.
- Works of art designated for deaccession from Oakville Galleries' permanent collection must be deaccessioned according to the criteria and procedures prescribed in the Deaccession Section.

In all acquisitions to the permanent collection, Oakville Galleries must facilitate research, provide access, and ensure relevance.

All works of art in the permanent collection are governed by the considerations detailed in the Conservation and Collection Management Section.

SECTION III. CONSERVATION AND COLLECTION MANAGEMENT

A. INTENT STATEMENT

Once a work of art is accepted into the permanent collection, Oakville Galleries has the responsibility to care for it to the fullest extent that the staff and the building facility can provide. The Galleries must ensure that no activity is undertaken which could place the work of art at an unreasonable degree of risk, nor overlook any precautions to safeguard the permanent collection.

B. STANDARDS

1. Oakville Galleries has incorporated conservation and collection care concerns into its Permanent Collection Policy to ensure that the Galleries acquire works of art that are adequately cared for within the means and to the best ability of the organization as assessed by the Executive Director in consultation with curatorial staff members.
2. Complete data are gathered and recorded for all works in the permanent collection.

Through management software and hard copy accession records, documentation is created and maintained for each work. Updated files on the physical condition of each work through, both written and photographic records, are kept according to established conservation documentation practice.

3. Formalized collection inspection procedures are incorporated into the Galleries' routine operations and a basic in-house preventive conservation program, (including environmental monitoring and recording, collection inspection for potential

- problems, etc.) is carried out.
4. The Galleries provides measures such as barriers; glazing; staff supervision; locked doors to storage; and security systems and monitoring to ensure that works of art are not handled or harmed by unauthorized personnel.
 5. The Galleries will develop an Emergency Preparedness Framework with response strategies to ensure that any mishap which befalls an individual work of art or the entire permanent collection results in the minimum amount of damage.
 6. The Galleries will exhibit works of art under conditions of illumination, which guard against photo-deterioration. The Galleries will control light levels (both natural and artificial) according to accepted museum practice and will also regulate the duration of light exposure during exhibitions. The Galleries recognizes that ultraviolet light, visible light, and infrared light are all damaging to works of art made from organic materials and must be monitored and regulated.
 7. The Galleries maintains a permanent collection storage area dedicated to the safe housing of works not on exhibition. Access to the permanent collection storage areas is restricted. Appropriate storage systems allow safe and easy location, access and retrieval of works of art.
 8. The Galleries employs an Exhibitions and Collection Manager to oversee the management of the permanent collection. The Galleries trains all staff who handle the permanent collection to the appropriate level required for the safe handling of the works of art.

C. PROCEDURES

1. **Storage:** The Galleries provide adequate storage facilities and packaging for all works in the permanent collection. New storage methods are researched as needed to ensure the proper care of all acquisitions.
2. **Identification:** The Galleries is committed to fully identifying all works in the permanent collection and to document their history and activity. Each work is given a unique identification number.
3. **Inventory:** A current inventory database is maintained by the Galleries. Regular comparison between inventory records and the physical permanent collection is conducted.
4. **Documentation:** The Galleries hire a professional photographer to document the works in the permanent collection in accordance with the annual budget. Master and duplicate sets are regularly maintained and updated; the master set is stored in a separate location and accessed only by the Exhibitions and Collection Manager.

5. Insurance: All works in Oakville Galleries' permanent collection are fully insured. Insurance is reviewed every five years and updated as recommended.
6. Installation: The Galleries' practices and procedures for the installation of works of art provides the safest exhibition vehicle and results in minimum wear on the works.
7. Loans: The Galleries will ensure that all works selected for loan to another institution are in sound condition and capable of transport, recorded prior to exit from the Galleries are packed, crated, and shipped according to museum specifications. The Galleries will ensure that conditions in the borrowing institution will not endanger the loaned works. Thorough paperwork and contractual agreements must document all loan transactions.
8. Safety: As the first line of defense in the Galleries' environmental control capability, the Galleries is committed to maintaining the building and its envelope in sound condition through a regular program of building inspection and maintenance.
9. Environmental Control: The Galleries maintain conditions of relative humidity and temperature within the range of pre-set environmental limits required for the stability of the permanent collection.
10. Pollution control: The Galleries minimize and regulate dust and harmful pollutant levels in accordance with accepted museum practice. All dust and pollution control equipment is maintained in good working order.
11. Conservation: The Galleries endeavor to gather conservation information (directly from the artist and other research sources) for all works in the permanent collection. The Galleries maintain working relationships with private and institutional conservators who can be contacted for advice and assistance as the need arises. The Galleries ensure that any private conservator(s) selected to conduct work on the permanent collection, or provide advice to the institution, is a qualified professional and is in good standing in the conservation community. The conservator should carry out his/her/their trade in accordance with established conservation procedure and adhere to a high standard of ethics. The Galleries have established a separate and realistic budget for conservation to cover the cost of basic preventive conservation supplies and the treatment of works of art in need of stabilization, repair or cleaning.
12. Professional Development: The Galleries endeavour to upgrade the skills of staff by encouraging professional development.
13. Support: The Galleries shall provide adequate human resources, proper financial support, and museum-standard facilities for the ongoing care and maintenance of its permanent collection. The regulation of growth for the permanent collection should not exceed the means of the institution.

SECTION IV. ACQUISITIONS

A. INTENT STATEMENT

Oakville Galleries' Permanent Collection Policy articulates the policies, practices, and procedures related to the acquisition of works in the permanent collection based on Oakville Galleries' Mission Statement. Approved by the Board of Directors, the Permanent Collection Policy provides direction to the Acquisition Committee and to the Executive Director, Deputy Director, and Exhibitions and Collection Manager, all of whom act on behalf of Oakville Galleries in executing the responsibilities delegated to them by the Board of Directors.

B. CRITERIA FOR ACQUISITION

The Deputy Director and Exhibitions and Collection Manager recommend to the Acquisition Committee works of art to be acquired for the permanent collection. These works are evaluated based on the following criteria:

1. Artistic merit of the work
2. Relevance to works which already form the permanent collection
3. Diversity of the medium and artistic practice
4. Condition of the work
5. Cost and appropriate market value
6. Size
7. Oakville Galleries' ability to acquire clear title to the work
8. Oakville Galleries' capabilities in providing the necessary care and environmental conditions required by the specific work.

For confirmation of points 4 and 5, Oakville Galleries' Exhibitions and Collection Manager may seek external advice.

C. PURCHASES

Oakville Galleries' primary interest for purchases for the permanent collection is contemporary art, with a focus on Canadian art. In exceptional circumstances, work(s) from other periods may be considered based on their relevance to the existing permanent collection. Works by international artists may also be considered if their relevance to the permanent collection can

be clearly demonstrated. Where possible, Oakville Galleries will consider the acquisition of work(s) from significant exhibitions originating from Oakville Galleries' curatorial program. Oakville Galleries will allocate an annual or bi-annual budget from the Oakville Galleries budget Town of Oakville and/or other means to acquire artworks through direct purchase from artists, galleries, and reputable art dealers.

D. COMMISSIONS

Works acquired through commission are initiated by the Deputy Director and Exhibitions and Collection Manager who set the terms and conditions, in writing, for the commission. The Deputy Director establishes a budget in discussion with the artist; copyrights and moral rights are recognized; and responsibilities for each party are defined. All terms are submitted for review to the Acquisitions Committee and recommendations for approval are forwarded to the Board of Directors.

No acquisitions, which fall outside the above parameters, shall be considered for purchase.

E. GIFTS AND BEQUESTS

Consideration of works of art offered as gifts or bequests will be carried out under the same guidelines and procedures as purchases. In addition, the Committee must apply a number of particular considerations, as follows:

1. All gifts and bequests must be of a clear and unrestricted nature.
2. No work can be accepted with an attribution or agreement to exhibit in perpetuity.
3. Donors will be asked to sign a Deed of Gift indicating unconditional exchange of ownership and copyright, if the latter is held by the donor. If the copyright rests with another person, the laws of copyright will apply.
4. The Acquisition Committee must be satisfied that the donor has legal title to the work and is prepared to provide evidence of the same.
5. In accepting gifts, every effort should be made to encourage the donor to pay for transportation and evaluation (by the Art Dealers Association of Canada or other certified agency). However, financial restrictions of the donor may dictate otherwise. In such cases, the Galleries may cover these costs upon the approval of the Executive Director.
6. Oakville Galleries may assume costs of photographic documentation for the Acquisition

- Committee's review, if and as required.
7. The various practices required in the issuing of donation receipts, as stipulated by Canada Revenue Agency and/or under the auspices of the Cultural Property Review Board, must be respected in all instances.
 8. Extended loans to the permanent collection: limitations of the storage facilities necessitates that extended loans are considered only when the lender can sign a legal letter of agreement stating the intent to gift the item to Oakville Galleries. The extended loan must benefit the permanent collection using the same guidelines which govern purchase.
 9. Conservation: Preservation and upkeep of the permanent collection are the responsibility of the Executive Director, Deputy Director, and Exhibitions and Collections Manager and shall report any major damage, loss, or theft to the Committee.

F. ACQUISITION COMMITTEE

1. Terms of Reference

The Acquisition Committee is a Standing Committee of the Board of Directors and, as such, is responsible for:

- (a) Ascertaining that each work of art recommended for acquisition fits within the definition of the permanent collection's interests and has been reviewed based on the permanent collection's criteria for selection.
- (b) Determining that the funds allocated for acquisition are used as defined.
- (c) On behalf of the Board, making judgements based on an objective analysis of each work presented for consideration. The Committee shall review each work in relation to its relevance to the Galleries' permanent collection in view of criteria established in Section IV B.

Notwithstanding the above, the Committee shall in all instances recognize the professional competence of the staff in all matters relating to the aesthetic quality of works of art under consideration.

In addition, once the Committee's practices and procedures have been in effect for a reasonable period, its responsibilities will also include the:

- (a) Periodic review and updating of the Acquisition Policy, for examination by the Board of Directors.

(b) In consultation with the appropriate staff, the compilation of a list of desiderata for the permanent collection, to be reviewed on an annual basis.

(c) In addition, the Committee will review as part of its responsibilities any new policies on copyright and on discretionary funds for acquisition.

2. Structure and Membership of the Acquisition Committee

The Chairperson of the Committee is the Executive Director. Any changes or nominations of other committee members should be brought forward to the Board of Directors of Oakville Galleries for approval. The Committee should meet a minimum of once a year; meetings are scheduled at the call of the Chairperson. Each member of the Committee is expected to acquaint themselves with all relevant policies and documents, as well as become familiar with the permanent collection itself.

The Acquisitions Committee is composed of a minimum of 3 persons, as follows:

- 1 member of the Board of Directors
- 1 member of Oakville Galleries permanent staff, namely the Executive Director
- 1 external representative

The Committee's quorum is two members present, including the Chair. Members may write their decisions in advance to the Chair of the Committee, if they are unable to attend.

3. Procedure for Acquisition(s):

All works of art considered for acquisition into Oakville Galleries' permanent collection must be reviewed through the following process:

(a) The Deputy Director and Exhibitions and Collection Manager are responsible for the search, identification, and recommendation of works of art for acquisition. The agenda listing the works of art for consideration by the Committee, plus any relevant information, is prepared by the Deputy Director/Exhibitions and Collection Manager. The responsible staff person will present the work, and outline the rationale for the proposed acquisition, addressing all the criteria outlined in Section IV B, to the Committee.

(b) Where reasonable, members of the Committee should be able to view the actual work being considered before deciding. If this is not possible, an excellent photograph or other appropriate documentation must be made available to them.

(c) Decisions to acquire a work are based on a majority vote.

(d) In addition, loans to, or from, Oakville Galleries are the responsibility of the Galleries' staff and do not go through the Committee.

(e) Discretionary Funds for Acquisitions: In view of opportunities available to the Deputy Director and Exhibitions and Collection Manager, and at times when it isn't possible for the Committee to meet, that discretionary funds for up to \$10,000 a year be available, and the outcome reported to the Acquisitions Committee.

G. CONFLICT OF INTEREST POLICIES

1. The Canadian Museums Association Ethical Guidelines (which are under review at time of writing) is fully upheld by the Board of Directors of Oakville Galleries. Oakville Galleries' staff shall not:

- (a) Take advantage of their professional status by engaging directly or indirectly in the buying or selling of works of art
- (b) Recommend for purchase to Oakville Galleries any work of art in which they have an undisclosed financial interest
- (c) Accept from a vendor any benefit relating to acquisitions by Oakville Galleries
- (d) Give any certificate or written statement for a fee or any benefit with respect to the authenticity, authorship, or monetary value of works of art
- (e) Give financial evaluation of works of art, which have no connection with Oakville Galleries' programs.

It should be noted that expressions of opinion on valuations and/or authentication for inter-institutional uses only is a professional responsibility without acceptance of a fee. Under no circumstances should a member of staff accept a gift, which may in any way be conceived to compromise their position or responsibilities as an employee of the institution.

2. Personal Collecting

(a) Acquisition Committee Members:

Members of the Acquisition Committee who are involved in private collecting activity or in a related commercial enterprise must disclose all of their collecting activities which may be in apparent conflict or in parallel to the collecting activity of Oakville Galleries. They must sign a Declaration of Interest and abstain from decisions in which they have a direct financial interest.

No member of the Committee may sell a work of art to Oakville Galleries while a member; no member may be an agent for the insurance of the permanent collection.

No work done by a committee member or any of his/her/their family may be considered for acquisition during his/her/their term of office. Any member wishing to donate a work may absent him/her/their self from the committee's deliberations while the donation is

being discussed.

(b) Staff Members:

Private collecting of works of art by staff should not be discouraged but this activity must not conflict with the best interest of Oakville Galleries and its Permanent Collection Policy .

If Oakville Galleries plans to exhibit artwork by any artist held in a staff member's personal collection, that staff member must declare the relevant holdings at their earliest opportunity to the Board, through the Executive Director.

SECTION V. DEACCESSIONS

A. ETHICS AND STANDARDS

The formation of Oakville Galleries' permanent collection must be borne in mind when a deaccession or exchange is being considered, as must the desire to strengthen Oakville Galleries' permanent collection. The utmost care must be taken to ensure that any deaccessioning is legally permissible.

Important factors to be considered in deaccessioning are the impact of such actions on donors and living Canadian artists. The deaccessioning of works by living Canadian artists could have a significant negative impact on their reputation in the community and in the marketplace. Moreover, the growth of the collections of any gallery depends significantly upon the generosity of donors. In accepting gifts to the permanent collection, the Board of Directors adopts a position of trust, and there should be no suggestion of relinquishing this responsibility as a result of deaccessioning.

Finally, all objects must submit to the most stringent deaccessioning procedures. All deaccessions will adhere to the applicable provincial and federal laws and international agreements and treaties. Oakville Galleries must realize that it has a public accountability for its decision to deaccession and for the method by which it chooses to dispose of an object.

All information regarding a deaccession will be fully documented and maintained in the Galleries' records on a permanent basis. This will also apply in instances where a deaccession is due to accidental loss (mysterious disappearance, theft) or intentional discard. Upon receiving a legitimate request, the Galleries will make public a list of items deaccessioned.

B. POLICY

1. The following are works which may be deaccessioned:

- (a) Works which are in violation of Canadian Treaty obligations or works whose ownership by the Galleries has been successfully challenged in law.
- (b) Works acquired by purchase whose ownership by the Galleries has been proven.
- (c) Works which have deteriorated to the point that they are unsuitable for exhibition or study; works of which only a fraction remains in the original condition; works containing hazardous material that cannot be controlled.
- (d) Works which have been proven to be irrelevant to the mandate of the permanent collection.
- (e) Works which are duplicates, forgeries, or reproductions and are of no documentary or archival value to the permanent collection.
- (f) Works of poor or inferior quality, acquired either through purchase or donation.
- (g) Works acquired by donation with the understanding of the donor that they may be sold or exchanged.
- (h) Works which are beyond the capability of the Galleries to maintain or works which are subject to contractual donor restrictions that the Galleries is no longer able to meet.

2. Restrictions on deaccessioning:

- (a) No work—strongly identified with Oakville Galleries—according to the criteria established within the Galleries' mandate and strength of the permanent collection, especially where artists, periods, or media are represented in depth, shall be deaccessioned.
- (b) No work received as a gift or bequest will be deaccessioned without honouring legal restrictions that may be attached to the donation. In any case, the donor or donor's next of kin should be consulted when possible. Any new work acquired through this process must be acknowledged as acquired as a result of the gift or bequest of the original donor (i.e., acquired through the generosity of...).
- (c) No work should be deaccessioned unless it has been in the permanent collection at least ten years. If the disposition of an object in the permanent collection less than ten years must occur, Oakville Galleries will be subject to a special tax designated under the Income Tax Act. See Section 3. for clarification.
- (d) No work by a living Canadian artist shall be deaccessioned without the artist's knowledge, except for those items referred to in paragraphs V.B.1.(a), V.B.1.(b), V.B.1.(d) and V.B.1.(f).

C. PROCEDURES

1. Steps to be taken toward deaccessioning:

- (a) After establishing Oakville Galleries' legal right to dispose of the object and after preparing a documentary report on the object's condition and status, the Exhibitions and Collection

Manager will make a recommendation to the Executive Director and Deputy Director. In turn, the Executive Director and Deputy Director will decide whether the recommendation for deaccessioning should be presented to the Acquisitions Committee, or whether other solutions, such as a long-term loan, should first be considered.

(b) Should the integrity of the object be in question, a physical examination by a conservator will be conducted to help establish the appropriate means of disposal.

(c) For objects of value that may be sold or traded, one or more outside appraisals will be conducted.

(d) The work should be photographed to document its current condition.

(e) A written curatorial justification for deaccession, outlining the decision criteria that apply, and a recommended course of action, should be prepared for presentation to the Acquisitions Committee.

(f) A work of art may only be deaccessioned on the authority of the Board of Directors on the recommendation of the Acquisitions Committee with the advice of the Deputy Director.

(g) In recommending deaccessioning of an object to the Board of Directors, the Acquisitions Committee will also recommend the appropriate course of action for disposition.

(h) Upon approval of a major deaccession by the Board of Directors, the Galleries will make public through the appropriate media, a list of items to be deaccessioned. This notice shall be three months in advance of the proposed date of deaccession. If any objections are received, the deaccession will be reconsidered by the authorities that approved it. If the decision is reached to proceed with the deaccession, this may take place without further notice.

(i) Proceeds from the sale of a deaccessioned object will only be used to strengthen the permanent collection by significant additions. Under no circumstances will the proceeds from the sale of a deaccessioned object be used for operational or administrative purposes.

2. Disposition

The manner of disposition shall be in the best interest of the Galleries, the public it serves, and the public trust placed in it. On approving the deaccession of any object, the Board of Directors shall consider the following options:

(a) Returned to its rightful legal owner in the event that Oakville Galleries has not established legal title to the work – see C 1.a

(b) Gift to, or exchange with, another institution. As a general principle, preference will be given to placing a deaccessioned object in another custodial institution in Ontario. If this is not possible, preference will be given to custodial institutions elsewhere in Canada.

(c) Sold. Should a sale of the object prove to be the best option, every effort will be made to dispose of the work through public auction. A sale through private treaty is permissible if it is

not possible to place the object at auction. In the latter case, the sale will be made through a dealer or dealers contracted to carry out the sale. Under no circumstances may such a sale be made to a member of the staff of Oakville Galleries, member of the Board of Directors, or a volunteer. The fair market value of an object will be determined by an arm's length appraisal. Objects above a value of \$50,000 should involve the services of two outside appraisers.

(d) Offered back to the artist, unless the artist is also the donor of the work (the issue of a tax receipt at the time of donation renders the donor ineligible to receive the object)

(e) Destroyed. This should be done only when condition renders the work useless, and it has been determined that no one will buy it or accept it as a donation, including the artist. If the work is destroyed, it is recommended that an arm's length witness be present. The work must be permanently, irrevocably destroyed.

3. Income Tax Act

Part XI.2 of the Income Tax Act, as amended by the Cultural Property Export and Import Act, levies a special tax on any institution or public authority designated under the latter Act, including the Galleries, that disposes, within ten years of acquisition, to other than an institution or public authority also designated under the Cultural Property Export and Import Act of a work of art for which a Cultural Property Income Tax Certificate was issued at the time of its acquisition. The tax is 30% of the fair market value of the work of art at time of disposition.

Should the Galleries dispose of such a work of art in such a way that the tax is payable, the tax shall be paid from the general appropriation at the time of disposition. It is the responsibility of Oakville Galleries to see that the return required by Part XI.2 of the Income Tax Act is filed and that the tax is paid.