

**PRESIDENTIAL DIRECTIVE REGARDING
COLLECTING AND INSTALLING ART AT
SAN JOSE STATE UNIVERSITY**

PD 01-02

(Revised August 20, 2002)

(Revised June 30, 2004)

Introduction

As a public institution of higher learning, San José State University nurtures performance and research in art and promotes an appreciation for creative expression. Collecting and installing art in the university environment speaks to the role and value of art in our society. New constructions, major building renovations, and joint University-City projects have provided opportunities to integrate works of art into these facilities. These circumstances have, in turn, prompted the need for an art policy for the University. The scope of this policy addresses the acquisition of art through commissions, purchases, and gifts, the installation of art in public spaces on campus, and the management of the art collection held by the University.

This policy is supported by three edicts. First, CSU Executive Order No. 276 (1977) that gives CSU presidents the authority to give "final approval" to the "acceptance and installation of sculpture or other artwork to be permanently located on the grounds or the exterior of buildings or other structures on the campuses." The Executive Order also requires that artwork be of high quality workmanship, structurally sound, and compatible with the campus physical master plan in scale, size, location, and materials. Subject matter or theme of such artwork shall be directed to achieving long-term public acceptance as an appropriate artistic expression.

The second is the San José State University policy (S92-12) by which the Academic Senate endorsed and adopted the Statement on Academic Freedom and Artistic Expression as endorsed by the AAUP in June 1990. The Statement proposes policies that "are designed to assist institutions to respond to the issues that may arise from the presentation of artistic works to the public in a manner which preserves academic freedom." The areas addressed in S92-12 are academic freedom in artistic expression, accountability, the audience, and public funding.

The third is San José State University Presidential Directive 99-03, "Acceptance of Gifts Policy," which supersedes previous gift policies from 1995, 1983, and 1956, and includes policies and forms for the acceptance of non-monetary gifts to the University.

Art for public spaces

Public art, site, both physically and socially, and, most importantly, public art involves the campus by its nature, is accessible to the public. It typically reflects an awareness of its community and the artist in its creation. The selection of art and architecture is an outward manifestation of the value that this university places on the diversity of its constituents. Artwork for the campus should be mindful of the cultural and ethnic diversity of our campus citizens. The artworks acquired by San José State University, exhibited, and/or installed on the campus should also be diverse in content, genre, and media. Genre includes but is not limited to representational, non-representational, abstract, conceptual, or other forms. Media and types of work may include but not be limited to assemblages, bas-reliefs, ceramics, earthworks,

electronic, network-based, fiber, frescoes, inscriptions of text, mobiles, mosaics, murals, paintings, photographs, sculpture, tapestries, waterworks, and works that form an integral physical part of buildings. Artworks may also include functional elements of capital improvement projects (such as benches, gates, lighting, devices, and landscaping) that are intended as artistic elements and that have been designed by professional artists.

Definition of Public Space

Public space on the SJSU campus is defined as any structure or open space that is visible or accessible from a public right-of-way. These include but are not limited to sidewalks, plazas, buildings (exteriors as well as interior hallways), parking garages, and sports and recreational facilities. Public space can also be classified into interior public space and exterior public space. Exterior public space is the space more than five (5) feet away from the exterior walls of campus structures.

Art Collection Committee

To review prospective gifts, purchases, and temporary or permanent exhibitions of artworks to determine the appropriateness for inclusion by the campus, the Director of the School of Art and Design will convene the Art Collection Committee (ACC): the Director of the School of Art and Design (chair); the Art Collection Director (ACD); a member of the Faculty of the School of Art and Design (to be elected by the faculty of the School of Art and Design for a two-year term); the Vice President of University Advancement or designee, and the Vice President for Administration and Finance or designee. The Director of the Natalie and James Thompson Gallery will serve as the Art Collection Director on this committee. Additional members from affected colleges, departments, or areas may be appointed as necessary by the chair in consultation with the appropriate administrator. The Art Collection Director will be assisted by a registrar for the collection.

The Art Collection Committee will advise the President of the University on all matters related to art on the campus, including the acquisition and placement of works of art as well as the maintenance, removal, or relocation of existing works of art in the University's possession. The Committee will also offer advice in the Fields of art, aesthetics, and beautification. The Committee will organize advisory and resource subcommittees as necessary. This Committee should also be responsible for drafting, finalizing, and updating the contractual documents (donation/loan forms, etc.) that govern these actions.

Four main criteria for review of art will be:

- artistic excellence
- appropriateness for the site and university setting
- durability and non-hazardous nature of the materials
- maintenance requirements.

The specific procedures for acquisitions, accessioning, deaccessioning, disposal, loans, and exhibitions are found in Appendix A: Acquisition and Accession; Appendix B: Deaccessioning and Disposal; Appendix C: Loans; Appendix D: Exhibition of Objects from the University Art Collection; Appendix E: Selection Process For Permanent Installation of Donated Artwork; Appendix F: Review Process For Temporary Installation of Artworks on the SJSU Campus; and Appendix G: Exterior Public Space Assigned For the Installation of Public Art.

Funds for Works of Art in Public Spaces

Funds for the acquisition, installation, and maintenance of artworks must be secured and documented prior to making purchase or loan arrangements. Funds may come from a variety of sources including building project funds, local institutional funds, public grants, and private contributions in the form of cash gifts, endowments, bequests, or direct gifts of art from individuals, corporations, and foundations. If funding for the artwork is contingent upon philanthropic contributions, a formal plan for fund raising must be approved by the University's Development Office and the Vice President I-or Advancement prior to submission of the project to the Art Collection Committee or the Campus Planning Board. This plan shall include identification of prospective donors, nature and potential membership of any volunteer organization(s), solicitation and recognition plans, timetable, and other elements as determined by the Associate Vice President for Development.

Prospective sources for gifts and grants will be cleared (or solicitation and closely coordinated with the overall fundraising projects of the University under the Vice President for University Advancement. When funds are transferred from another public agency (as in cases of a joint University-public agency project), the University will enter into a signed agreement approved by both parties.

Funds may be expended for such items as acquisitions, travel, consultation, freight, site preparation, installation, maintenance, conservation, insurance, labeling, lighting, publications, administration, and collection management.

Collection Management

The Art Collection Director will have the first level of responsibility for making recommendations regarding acquisitions (particularly purchases) and potential deaccessions as well as the temporary installations of artwork on the campus. Exceptions include those artworks designated for temporary exhibition in formal exhibition spaces inside campus buildings (including galleries and display structures), which shall be the responsibility of the campus official in charge of that facility. In addition an Art Collection Registrar will be responsible for overseeing an annual inspection of the collection and presenting a status report to the Director of the School of Art and Design and the University's President. The Art Collection Registrar will also work regularly on funding and management Issues: Installation, conservation, and maintenance of work in the collection; relocation of previously placed works; securing installation insurance and related costs for temporary exhibit of works of art; production of a catalog or brochure of the collection; provision of permanent collection labels; and the purchase of additional works.

Educational and Promotional Efforts

The primary purposes of educational and promotional efforts are to inform the campus and the community about SJSU's public art and to enhance student learning about the role of art in the cultural environment. There are two periods of time in relation to an artwork when educational and promotional efforts are particularly appropriate: at the time of commission or acquisition and when the installation takes place. Ongoing efforts to inform the campus and community of the collection are also desirable.

The Registrar will be responsible for public relations and educational activities associated with the Collection and the exhibition/installation of works of a temporary nature on campus. Public preparation for an artwork should begin at the time of its commission or acquisition. The media, especially

television, radio, and local newspapers can play important roles. A series of public events leading to the unveiling of a work should be planned to guide the public's understanding of the artist, the concept of the artwork, and the media used in its creation. These special events surrounding the installation and unveiling of an artwork could take place in conjunction with building dedication ceremonies. A cumulative catalog should be developed including sections for each work that can serve as a guide to all the artwork on campus. Finally, artworks on display should be highlighted at special events including university open house receptions, student orientations, alumni events, and other public meetings. Events such as slide lectures by the artist or collector, panel discussions, curatorial presentations, etc. significantly enhance the educational and cultural opportunities afforded by the collection or installation of art on campus.

Signed by

Joseph N. Crowley, Interim President
San José State University
(revised 6/30/04)

Date: June 30, 2004

APPENDIX A

ACQUISITION AND ACCESSION

I. REVIEW PROCEDURES:

Prospective gifts and/or purchases of artworks will be reviewed to determine the appropriateness for inclusion on the campus. The Director of the School of Art and Design shall convene the Art Collection Committee (ACC): the Director of the School (chair); the Art Collection Director (ACD); a member of the faculty of the School of Art and Design (to be selected by the faculty of the School for a two-year term); the Vice President of University Advancement or designee, and the Vice President for Administration or designee. The Director of the Natalie and James Thompson Gallery will serve as the Art Collection Director on this committee. Additional members of affected colleges, departments, or areas may be appointed as necessary by the chair in conjunction with the appropriate administrator. Implementation of the acquisition policies will be the responsibility of the Registrar of the Collection.

II. ACQUISITION AND ACCESSION

A. PROCEDURES FOR ACQUISITIONS (GIFTS OR PURCHASES)

I. Gifts:

A potential donor or artist offers the gift to the University via the "Donation of Artwork and "Acceptance of Gift" forms (see Attachment A). An "Incoming Loan Agreement Form" (Attachment B) must be completed for all artworks on loan to the University

- a) The object (or an acceptable image) is loaned to the University for detailed inspection and study. Costs associated with the review (including crating, shipping, and insurance) will be borne by the potential donor unless the Collection Committee deems otherwise.
- b) The potential gift is reviewed by the ACC and appropriate university personnel with regard to the acquisition criteria listed in Section II-C.
- c) After careful study, the ACC will present a written recommendation to the appropriate responsible university official(s) to accept or not to accept the proposed gift. This report should be available within thirty days.
- d) The recommendation is reviewed and either accepted or rejected by the appropriate responsible university official(s).
- e) If the proffered gift is rejected, the Art Collection Director will contact the donor and arrange for the return of the object.
- f) If the proffered gift is accepted, it must then meet all university requirements for gifts as stated in the San Jose State University Policy for the Acceptance of Gifts, section IV. A clear history of the provenance of the object must be provided, in accord with the recommendations of the International

Council on Museums and the American Association of Museums per the 1970 UNESCO agreement and later international documents.

g) A full and clear title to all objects acquired for the collection should be obtained free and clear without restrictions as to use or future disposition, and no work should be accepted with an attribution or circumstances of exhibition guaranteed in perpetuity. Once title is acquired, the object will be accessioned according to the procedures listed herein.

2. Purchases

a) The potential purchase, identified by a member of the campus community, is informally reviewed by the School of Art and Design Director and the Art Collection Director with regard to the acquisition criteria listed in Section 11-C.

b) If it is determined that the potential purchase is in the best interests of the University and that money is available for the purchase, the object is brought to the School as an incoming loan for detailed inspection and study (See Attachment B) or, if more economical, inspection will be done of site by members of the ACC. Sharing of costs involved in the purchase will be determined on a case-by-case basis.

c) The Art Collection Registrar prepares a memorandum summarizing the results of the inspection and study, demonstrating to what extent it meets the acquisition criteria, and making a recommendation to purchase or to reject the object. Funds for the acquisition are also identified in this memorandum. If the funds are to come from a gift or grant to the University from an outside person or organization, the documentation of said gift or grant will be attached to this memorandum.

d) The School of Art and Design Director and the Art Collection Director review this memorandum, and if an agreement is reached to pursue the purchase, the Directors will endorse the Art Collection Registrar's recommendation and forward it to the Art Collection Committee for review. All recommendations will be forwarded to the appropriate responsible University official(s). If the work is rejected during this process, it will be returned to the owner by the end of the loan term.

e) Upon favorable recommendation of the Art Collection Committee and the appropriate responsible University official(s), the matter will be forwarded to the office of the University President for final approval. An invoice from the owner is the required documentation on which a check will be requested against appropriate University funds, according to the negotiated payment arrangements. A receipt will be obtained prior to or at the time of delivery of funds, indicating clear title to the work has passed to the University. Payment will not be issued until the University has received signed, written documentation guaranteeing the seller's right to sell, confirming the authenticity of the work, and providing a full history of provenance.

f) Title to all objects acquired for the collection must be obtained free and clear without restrictions as to use or future disposition, and no work should be accepted with an attribution or circumstances of exhibition guaranteed in perpetuity. Once title is acquired, the object will be accessioned according to the procedures listed herein.

g) For the purposes of collection management, the Art Collection Committee may consider exchanges of

accessioned objects on a case-by-case basis.

B. PROCEDURES FOR ACCESSIONING

1. Following the successful completion of the procedures for gift or purchase of a collection object, the Art Collection Registrar will assign an accession number in the permanent record kept in the School of Art and Design. All Collection items will be appropriately labeled with the accession number.
2. The School will maintain, to the extent possible, primary documentation of the ownership of each object in the University Collection. Records may be divided into two general categories: The first includes records which are commonly associated with registration functions, documenting the legal status of an object within the institution, and that object's movement and care while there. This documentation should include the Donation of Artwork and Acceptance of Gift forms, the conservator's report, sales receipts, provenance history, experts' and appraiser's reports, all correspondence pertaining to the transfer of title, etc. The second category includes records associated with curatorial functions. These provide a broad body of information about an object that establishes the object's proper place and importance within its cultural sphere. These two categories of collection records may or may not be filed together.
3. The Art Collection staff will make a photographic record of the object at the time of acquisition; under no circumstances are the original photographs to leave the University.
4. Records pertaining to the acquisition and ownership of each collection object, including all confidential material, are to be maintained by the Art Collection Registrar. Access to the files will be controlled strictly by the Art Collection Registrar, and under no circumstances are materials in the Art Collection Registrar's files to leave the School. For gifts, and purchases made with SJSU Foundation funding, copies of all documents should go to University Advancement.
5. Records pertaining to curatorial information on each object, including materials available for scholarly use, are to be gathered and maintained by the Art Collection Registrar.

C. CRITERIA FOR ACQUISITIONS

1. The work must be of high quality, relative to its author and type and/or have special interest to the University community.
2. The work can be given proper care and handling while on exhibition and/or in storage.
3. The work comes to the University on an unrestricted basis in terms of ownership. In the event of a request for deviation from this policy, the Art Collection Committee will determine the status of any potential use restrictions (such as copyrights, patents, and trademarks) that are documented.
 - a) If the object is donated to the University by a living artist or the heirs of the artist's estate, a Copyright Agreement should be effected with the artist (or the heirs) so that the School can arrange to use reproductions of the work for educational, catalogue, publicity, and professional purposes without infringing on the artist's copyright.

b) Objects accepted as bequests must be free of restrictive conditions or reverters; if these exist, efforts should be made to gain disclaimers of reversionary interests from the heirs, and if necessary, a cy pres ruling from the court of original jurisdiction which will allow for use of the object in accordance with the policies and procedures of the University.

4. The work comes to the University with clear documentation of current ownership and an appropriate record of 'previous owners (provenance).

5. CSU Executive Order No. 276 (1977) grants authority to California State University presidents to (give "final approval" to the "acceptance and installation of sculpture or other artwork to be permanently located on the grounds of the exterior of buildings or other structures on the campuses."

APPENDIX B

DEACCESSIONING AND DISPOSAL

A. PROCEDURES FOR DEACCESSIONING AND DISPOSAL

1. The Art Collection Registrar will identify and evaluate potential candidates for deaccessioning according to approved criteria, as listed in Appendix B, Section B (below).
2. An independent outside appraisal of financial value shall be obtained along with recommendations as to the best means of disposal (for example, exchange, return to dealer for credit, public auction, etc.).
3. Following an Art Collection Committee recommendation, but prior to any deaccession action, living donors will be informed of the University's intention to deaccession a work. In the case of works by living artists, sincere attempts will be made to notify the artist.
4. The Art Collection registrar will prepare a memorandum stating the reasons for deaccessioning as they relate to the deaccessioning criteria. The memorandum will include the method of disposal that is recommended and an estimate of the costs and revenue associated with this action.
5. After being approved by the School and Collection Directors, the recommendation for deaccession will be presented to the Art Collection Committee and its recommendation, together with that of Registrar, will be forwarded to the appropriate responsible University official(s) for approval and submission to the University President.
6. Records of the deaccessioned objects, including photographs and documentation of the means of disposal, will remain in the Art Collection Registrar's files, maintaining the accession numbers by which they were entered in the continuous record.
7. In general, private sales of art works by the institution are discouraged. Preference will be given to having objects remain within the public domain. There will be no private sale to faculty, staff, administration, or members of the governing authority of the University, or their representatives.
8. No part of the collection will be removed for gifts.
9. Funds realized from deaccession sales shall be used to benefit the University's Art Collection.

B. CRITERIA FOR DEACCESSIONING

1. Care: It is determined that the University is unable to care properly for the object, or there is found to be marked discrepancy between the cost of conservation and the aesthetic, historical, or financial value of the object.
2. Quality: It is determined that an object is of markedly inferior quality, either intrinsically or relatively, in comparison with other objects of the same type in the collection.

3. Redundancy: It is determined that the object is a duplicate of another work in the collection and has no value as part of a series, or that the object is repeated in kind by a superior example within the collection.
4. Inappropriateness: It is determined that the object now lacks a demonstrable relevance to the collection.
5. Illegitimate possession: It is proven that an object in the collection was stolen or illegally exported from a foreign country, or imported into the United States in violation of applicable state or federal laws.
6. Act of sacrifice: It may be determined that an object of quality is of such a relative value to a collection that it should be sacrificed to strengthen another area of the University.
7. Forgeries: Objects proven beyond reasonable doubt to be forgeries shall be marked indelibly as such and consideration given to deaccessioning the object. However, under most circumstances these objects shall not be returned to the art market.

APPENDIX C

LOANS TO/FROM THE COLLECTION

All potential loans of artwork to/from the University Art Collection must be reviewed in advance by the Art Collection Committee. An "Incoming Loan Agreement Form" (see Attachment B) or "Outgoing Loan Agreement Form" (see Attachment C) must be completed in conjunction with all loans to/from the University Art Collection.

A. INCOMING LOANS

1. Purpose

- a) For exhibition as part of a temporary installation or loan exhibition;
- b) For inspection and study with regard to possible gift or purchase;
- c) For research, identification, or attribution.

2. Procedures

- a) Objects requested by or offered to the University for incoming loan must receive prior approval by the Art Collection Registrar. An Incoming Loan form must be completed before the work arrives on campus. The Director of the School of Art and Design will receive a report on all loans being considered before commitments are made. The requestor's offer will come to the Art Collection Registrar with registration information including: information regarding the condition of the object and its ability to withstand travel conditions; its provenance; information for public recognition (i.e. labeling); and a specified period of time for which the loan is requested or offered.
- b) The same issues expressed in the Criteria for Acquisition regarding the documented provenance of an object shall apply to objects requested for incoming loans.
- c) When the artwork arrives on campus, the Art Collection Registrar must record the information listed in 2.a. (above) within 10 working days.

3. Conditions

- a) The University will give borrowed objects the same care as it does to comparable property of its own. Appropriate insurance for the objects will be arranged.
- b) The lender certifies in writing that the objects lent are in such condition as to withstand ordinary strains of packing, transportation, and handling. If the Art Collection Registrar does not receive a written report, it will be assumed that the objects are received in the same condition as when leaving the lender's possession. Condition records will be made at the University upon arrival and departure.
- c) Evidence of damage at the time of receipt or while in the University's custody will be reported immediately to the lender.

- d) No alteration, restoration, or repair to any object on loan will be effected without the prior written approval of the lender.
- e) The University retains the right to determine when, if and for how long borrowed objects will be exhibited. The University may cancel any loan upon reasonable notice to the lender.
- f) Unless written notification is received to the contrary from the lender, the University reserves the right to photograph or reproduce the objects lent for publicity purposes.

B. OUTGOING LOANS

1. Procedures for loan outside the University

- a) The Art Collection Committee will consider requests to lend objects which have undisputed ownership by the University and/or the SJSU Foundation which, in the opinion of the Committee, are in adequate condition to endure the purpose of the loan. In some cases, special considerations, such as packing requirements, couriers, or methods of shipping, may be required in order for an object to be considered for a loan.
- b) Recommendation to approve loan requests will be made by the Art Collection Registrar and approved by Art Collection Committee. If circumstances or conditions warrant, the Committee may seek consultation with the University President before final approval is given. At the end of each semester, a report of the current status of University objects out on loans will be made to the Art Collection Committee.
- c) Conditions for outgoing loans
 - 1) Objects borrowed shall be given special care at all times to insure against loss, damage, or deterioration. The borrower must provide documentation of adequate insurance coverage for all borrowed objects.
 - 2) Upon receipt and prior to return of the objects, the borrower must make a written record of condition.
 - 3) The Art Collection Registrar is to be notified immediately of any damage or loss discovered.
 - 4) No alteration, restoration, or repair to any object on loan will be effected without the prior written approval of the Art Collection Registrar.
 - 5) The object may not be photographed or reproduced unless prior written authorization is obtained from the Art Collection Registrar.
 - 6) Objects lent must be returned to the University by the stated termination date in satisfactory condition.

2. Procedures for loaning objects from the Art Collection to locations within the University

- a) Requests for loan of objects from the University collection to University locations are to be made to the Art Collection Registrar.

b) The conditions governing loan of objects from the University collection to University locations are detailed in the Outgoing Loan Agreement form.

APPENDIX D

EXHIBITION OF OBJECTS FROM THE UNIVERSITY ART COLLECTION

The exhibition/installation of objects from the collection is limited to University owned or leased buildings except in those cases when specific loan agreements are negotiated with museums, galleries, and other non-profit/art/governmental institutions.

Objects from the collection are displayed throughout the campus in public areas and in faculty offices and lounges on a rotating basis. While efforts are made to accommodate the preferences of the individual inhabitants of these latter areas, the well-being of the individual work and proper conservation must be considered, and, therefore, the final decision as to what objects are to be installed and for how long shall be based upon appropriate concerns for conservation and rests with the Art Collection Committee.

A. CONDITIONS

1. No one may make any change to or move the objects after they have been placed on exhibition around campus without the permission of the Art Collection Registrar.
2. No collection item should ever leave its assigned permanent display or storage space unless a written record is made and recorded of such movement.
3. Established policies for dealing with collection objects in the case of an emergency should be discussed and formalized.
4. A detailed list of art works and the locations where they are installed on campus will be given to the University Police to assist them with securing the items in the Art Collection in case of emergency.
5. Procedures must be in place for the assessment and maintenance/restoration of objects on display.

APPENDIX E

SELECTION PROCESS FOR PERMANENT INSTALLATION OF DONATED ARTWORK

The Art Collection Committee will review all works proposed for acquisition by the University for its Art Collection either through purchase or donation. In the case of works proposed for donation to the University that do not require special installation or maintenance, this review will be conducted by the Art Collection Committee. In the case of existent artworks or proposed artworks under consideration for installation in public settings on the campus, supplementary selection and recommendation processes will be used as follows:

The Art Collection Committee will recommend the appointment of an Art Selection Panel and an Advisory Group for each project. The Art Selection Panel and the Advisory Group will serve throughout the duration of the selection and installation process. Initial meetings will be chaired by the Chair of the University's Art Collection Committee.

The Art Selection Panel will be made up of three knowledgeable visual art professionals such as artists, curators, arts administrators, art writers, educators, etc. One visual art professional will be a representative of a visual arts organization from the Greater Bay Area; one will be an artist from the region; and one will be a member of the SJSU Art Collection Committee. These individuals should represent a variety of stylistic, cultural, or disciplinary ideas. Other than Art Collection Committee members, art selection panelists should serve on selection committees no more than once. This should help prevent aesthetic dominance of a single standard and ensure that the pool of selected artists would change regularly. To avoid conflict of interest, private gallery owners and artist's agents will not be asked to serve on panels.

The Advisory Group for each project will be appointed by the President of the University. The group should be made up of individuals who have a clear stake in the project: e.g. faculty, students, staff, and administrators who will occupy or regularly use the site for the proposed project; building coordinators; neighbors and interested community members; and representatives of appropriate university offices, agencies, or organizations. The Advisory Group will recommend art professionals for the Selection Panel from a list developed by the Art Collection Committee.

The Advisory Group's role is to advise the Art Selection Panel by providing recommendations and information about a given project's academic and social context along with related information regarding funding sources and materials to enable the Art Selection Panel to make an informed decision. The Art Selection Panel will recommend appropriate artists and/or artworks to the Art Collection Committee. The process is designed to give Advisory Group members repeated opportunities to influence the selection of art and/or artists. Advisory Group members are welcome to attend and observe all Selection Panel and Art Collection Committee discussions related to budget, site, artist selection, and acquisition approval for the artworks with which they are involved, although they will not participate in or vote in these meetings.

Each of the Selection Committees in conjunction with the Advisory Group will develop specific guidelines for the recommendation process. Four main criteria for the selection/recommendation of artists and artworks will be:

1. Artistic merit: The artworks should be of sufficiently high artistic merit to warrant inclusion in the University collection. This would usually require that they be unique pieces created by artists of established reputation or recognized potential.
2. The artworks must support the educational mission of the University.
3. They must be capable of being fittingly accommodated within the available physical spaces at the University.
4. They must be of sound construction and physically maintainable. An exception to this may be made in the case of works that are specifically time-based or of a temporary nature, when it is understood that their installation would be of limited duration. Funding, must be identified for the installation and lifecycle maintenance of all artworks prior to their acquisition.

REVIEW PROCESS FOR TEMPORARY INSTALLATION OF ARTWORKS ON THE SJSU CAMPUS

The Art Collection Committee will review all works proposed for temporary installation on the campus of San José State University. In the case of artworks that do not require special installation or maintenance (paintings, prints, small sculptures, etc.), this review will be conducted by the Art Collection Committee or a subcommittee designated by the ACC for this purpose. Exceptions include those artworks designated for temporary exhibition in formal exhibition spaces inside campus buildings (including galleries and display structures) which shall be the responsibility of the campus official(s) in charge of that facility. In the case of more complex artworks under consideration for temporary installation in public settings on the campus, supplementary review processes will be used as follows:

The Art Collection Committee will recommend the appointment of an Advisory Committee for each installation. The Advisory Committee will serve throughout the duration of the installation process. The committee will consist of a member of the Art Collection Committee who shall act as chair of the Advisory Committee; a representative of the University President; the President of the Associated Students or designee; a representative from FD&O, and the Chair of the Academic Senate or designee. The Committee will ensure the participation of individuals who have a clear stake in the project (e.g. faculty, students, staff, and administrators who will occupy or regularly use the site for the proposed project; building coordinators; neighbors and interested community members; representatives of appropriate university offices, agencies, or organizations). The Committee will provide guidelines for preparation and restoration of spaces throughout the duration of the project(s).

The Advisory Committee's role is to advise the Art Collection Committee by providing recommendations and information about a given project's placement on campus and its academic and social context along with related information regarding funding sources and materials to enable the Art Collection Committee to make an informed decision about the proposed installation. The process is designed to give campus community members repeated opportunities to review the proposed installation.

The Advisory Committee will develop specific guidelines for the review process. Five main criteria for the review of artworks will be:

1. Artistic merit: The artworks should be of sufficiently high artistic merit to warrant temporary installation on the campus. This would usually require that they be unique pieces created by artists of established reputation or recognized potential.
2. The artworks must support the educational mission of the University.
3. They must comply with applicable codes and regulations and be capable of being fittingly accommodated within the available physical spaces at the University.
4. They must be of sound construction and physically maintainable. An exception to this may be made in the case of works, which are specifically time-based or of a temporary nature, when it is understood that their installation would be of limited duration. Funding must be identified for the installation and

lifecycle maintenance of all artworks, including removal of the artwork and restoration of the space.

5. Provision must be made to return the site to its original condition following the removal of the temporary installation.

APPENDIX G

EXTERIOR PUBLIC SPACE ASSIGNED FOR THE INSTALLATION OF PUBLIC ART

This policy establishes guidelines and procedures to be followed by the University in the placement of public art in exterior public space on campus.

Background

Historically, the campus grew block-by-block. This expansion over the years has resulted in a square-shaped property of 88.5 acres. The primary open spaces on campus consist of landscaped malls running north/south and east/west through the campus and a number of open plazas. These open spaces are a major part of the image and structure of the campus, and they also serve to unify the four distinct zones or quadrants of the University.

It is paramount that the spatial quality of these open spaces be upheld for they serve not only as a way of minimizing the impact of increasing density, but also to maintain the livability and character of this compact urban campus.

Furthermore, several landscape images of existing open spaces, such as Tower Hall Quad and a vista of distant hills from the San Carlos Paseo, have become the landscaping images of the University. It is, therefore, important that these open spaces be protected from obstruction or "visual competition" resulting from the placement of visual landmarks or distracting site furniture in these areas.

However, other areas of the campus, such as the 9th Street Mall and the pedestrian walkway between the Student Union and the Art Building, are ideal sites for the display of public art. The presence of public art in these areas would be a natural extension of the Art Building in promoting appreciation for creative expression and nurturing performance and research in art.

A. AREAS OF CAMPUS GROUND ASSIGNED FOR THE INSTALLATION OF PUBLIC ART

For the purposes of providing opportunities for the campus and the community to appreciate public art, while protecting the quality of open space on campus, two areas on campus are designated as the primary sites for the installation of public art. Their locations are depicted on the attached drawing and detailed as follows:

1. Area "A"

A 0.9 acres landscaped area, bounded by the Morris Dailey Auditorium, Dwight Bentel Hall, Central Classroom Building, and Clark Hall. The site is adjacent to one of the main east/west pedestrian walkways, and the surrounding buildings provide an appropriate enclosure for public art.

2. Area "B"

The areas of the Ninth Street Mall, bounded by the San Carlos Paseo on the south and San Fernando Street on the north, and the pedestrian walkway, bounded by the Paseo de Cesar E. Chavez, Ninth Street Mall, the Student Union, and Art Building. These two areas are suitable for public art.

B. REVIEW PROCEDURE

The Art Collection Committee shall review and advise the President of the University on all matters related to public art on campus, including the acquisition and placement, as well as the maintenance, removal, or relocation of existing public art in the University's possession. The placement of public art on campus shall be limited to two areas: Area A and Area B, as identified in this policy, unless the President of the University grants an exception to this policy.

When a proposal is received, the Art Collection Committee will consult with the Associate Vice-President of Facilities, Development and Operation (FD&O) prior to making its recommendations regarding acceptance and placement in order to ensure that the operation and public safety of the University will not be compromised by the proposed installation.

The recommendations of the Art Collection Committee on the proposal will be sent to the President with a copy to the Campus Planning Board (CPB). The CPB will also review the proposal and send its recommendation to the President.

The proposal (and recommendations) will be sent to the President for review and final approval.

C. MEMORANDUM OF UNDERSTANDING

A Memorandum of Understanding (MOU) will be developed between the entity funding the art piece and FD&O to cover such items as maintenance reserves, vandalism, and an understanding that the piece may be relocated if there is a change in the campus master plan.

Attachment A

**DONATION OF ART WORK
SAN JOSE STATE UNIVERSITY**

Donor Name: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

I (WE), the above-named hereby irrevocably and unconditionally give, transfer, assign, and deliver to San Jose State University, by way of gift, all rights, title, and interest in and to the following artwork(s) in agreement with all of the conditions printed on the back of this form. Affixing my (our) signature(s) below confirms my (our) acceptance of all of these conditions, confirms my (our) right to convey such title and interest in this gift, and confirms my (our) understanding that this property now becomes the sole and exclusive property of San Jose State University.

Gifted artwork (attach additional pages if necessary):

Signature of Donor(s): _____

Date: _____

Please sign both copies of this form and return one at your earliest convenience. The duplicate is for your files. Should you prefer to be credited in a manner alternative to the above, please note here:

Accepted on behalf of San Jose State University by:

Name: _____

Title/Department: _____

Date: _____

CONDITIONS

Acceptance of gifts by San Jose State University is subject to the following conditions:

1. The acceptance of artworks must conform with Presidential Directive 99-03, "Acceptance of Gifts Policy." The University's "Gift Acceptance Form" should accompany the "Donation of Artwork" document.
2. The items accepted become the sole and exclusive property of San Jose State University.
3. Title to all items acquired by the University must be obtained free and clear.
4. Unless specified to the contrary, all gifts to San Jose State University are accepted with the understanding that they are unrestricted and offered without limiting conditions.
5. Gifts to San Jose State University may be deductible from taxable income in accordance with the provisions of the Federal Income Tax laws. Legal and ultimate responsibility for furnishing appraisals of value to governmental tax agencies rests with the donors. The University assumes no responsibility to appraise donations.
6. Because of limited display space and the policy of changing works of art on display, the University cannot promise the permanent exhibition of any item.
7. Items gifted to San Jose State University will be retained permanently if they continue to be relevant and useful to the purposes and activities of the University, and if they can be properly stored, preserved, and utilized. Deaccessioning or disposal of objects may be considered when these conditions no longer prevail, or in the interest of improving the collections for the University's purposes and activities.
8. Items subject to copyright restrictions may be acquired by purchase or gift only if an assignment is obtained by the University for the following rights:
 - a. The right to photograph the artwork or allow others to do so;
 - b. The right to include photographs of the item in the University's publications or allow another to include such photographs in another's publications;
 - c. The right to sell any publication or reproduction of the item through the University or its assignees;
 - d. The right to lend the artwork to other institutions for exhibition.
9. A written statement of the policy and procedures adopted and followed by San Jose State University with respect to the acquisition and disposition of collection materials will be made available to donors and other responsible persons on request.

Attachment B

**INCOMING LOAN AGREEMENT
SAN JOSE STATE UNIVERSITY**

Lender Name: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

The object(s) listed below is (are) borrowed for the following purpose(s) _____, in accordance with San José State University's Collections Management Policies and in agreement with all of the conditions printed on the back of this form. List each object by artist, title, date, medium, and indicate insurance value (add additional pages if necessary):

Date of Loan: _____

From: _____ to _____

Transportation of Work: Unless otherwise modified in writing, the objects will be transported to San José State University via: _____

To arrive at San José State University no later than: _____

Transportation costs will be borne by _____ or _____ waived.

Insurance costs will be borne by _____ or _____ waived.

To be returned to the above address, unless otherwise modified in writing, at the end of the loan period, via: _____

Please note any special requirements for conservation, installation, or handling.

This loan is agreed to by the undersigned, subject to conditions stated on the reverse:

Signature of Donor(s): _____

Date: _____

Should you prefer to be credited in a manner alternative to the above, please note here:

Accepted on behalf of San Jose State University by:

Name: _____

Title/Department: _____

Date: _____

SIGN OFF ON LOAN ONLY AFTER ARTWORK HAS BEEN RETURNED:

Loan Release: The lender(s) hereby release(s) San Jose State University from all responsibility for the above object(s) and any objects listed on the Attached List to this Loan Agreement, subject to any special conditions noted below.

List any losses, damage, or exceptions (If None, write NONE): _____

Signature of Lender(s): _____

Date: _____

CONDITIONS

1. Lender(s) whose signature appears on the face of this form warrants that s/he (they) is (are) authorized to enter into this loan agreement, and that there are no circumstances pertaining to the object(s) that would discredit this loan, such as disputed authenticity or historical provenance of listed objects.
2. San Jose State University will exercise careful and professional precautions in respect to loans.
3. Attributions, dates, valuations, and other information shown on the face of this Agreement are as given by the lender unless otherwise specified. NOTE: Insurance figures must reflect current substantiated market values. In the event of a loss, insuring agent will only reimburse realistic values based upon accurate appraisals.
10. Acceptance of this loan does not imply the objects listed will be on extended public display at San Jose State University.
11. Upon return of the loaned objects to the lender, lender must immediately report to San Jose State University in writing, any damages, losses, or changes in condition. Any such conditions must be reported within five (5) working days of the receipt of the objects. In the event the University is not so notified, the University is not to be held accountable for any such changes in condition.
12. If this Loan Agreement does not specify a loan period, the University may request removal, at any time, of the listed property by sending written notice to the lender at the address shown on the face of this Agreement.

Attachment C

**OUTGOING LOAN AGREEMENT
SAN JOSE STATE UNIVERSITY**

On Loan to: Name(s): _____

Address: _____

Phone: _____ Fax: _____ Email: _____

The object(s) listed below is (are) loaned for the following purpose(s) _____, in accordance with San Jose State University's Collections Management Policies and in agreement with all of the conditions printed on the back of this form. List each object by artist, title, date, medium, and indicate insurance value (add additional pages if necessary):

Date of Loan: _____

From: _____ to _____

San José State University will determine the level of security necessary for packing, shipping, and displaying the objects to be loaned.

Transportation of Work: Unless otherwise modified in writing, the objects will be transported from San Jose State University via: _____

To arrive at borrowing location no later than: _____

Transportation costs will be borne by: _____

Insurance costs will be borne by: _____

To be returned to San José State University, unless otherwise modified in writing, at the end of the loan period, via: _____

Special requirements for conservation, installation, or handling: _____

This loan is agreed to by the undersigned, subject to conditions stated on the reverse:

Signature of Borrower: _____

Institution: _____

Date: _____

The following credit line must appear on all labeling and publications featuring this work:

CONDITIONS

1. Borrower(s) whose signature appears on the face of this form warrants that s/he (they) is (are) authorized to enter into this loan agreement, and that there are no circumstances pertaining to the borrowing institution that would discredit this loan.
2. It is expected that the borrowing institution will exercise the same careful and professional precautions in respect to loans that it does for the safekeeping of its own property.
3. All works on loan shall be protected against damage caused by direct sunlight or excessive proximity to heat sources during unpacking/packing and while on display.
4. A responsible person shall be present at all times that this work is available to the public. The loaned work(s) will be secured and locked when an attendant is not present.
5. It is understood that the objects covered by this Loan Agreement shall remain in the condition in which they are received. They shall not be cleaned, repaired, retouched, removed from the frame, or altered in any way except with the expressed written permission of the Art Collection Registrar at San Jose State University.
6. Materials included in this loan shall be packed for shipment by an experienced and competent packer. The object(s) shall be repacked for return in the same crate or with the same packing materials used in the incoming shipment unless otherwise mutually agreed upon by the lender and the borrower.
7. Damages, whether in transit or on the borrower's premises and regardless of responsibility, shall be reported immediately to the Art Collection Registrar at San Jose State University.
8. Permission is granted for the reproduction of the borrowed works of art in publications and for publicity purposes connected with the loan; all such publications and printed material shall carry the credit line notated on the face of this Loan Agreement.

9. The objects loaned by San José State University shall be shown in a dignified and suitable manner and place.