

THE PHILLIPS COLLECTION MANAGEMENT POLICY

Amended December 9, 2024

As stated in Article 2 of The Phillips Collection's Articles of Incorporation, a key purpose of the museum is "presenting and interpreting its permanent collection of modern art and its sources, and the modern art tradition that underlies the collection, to diverse local, national and international audiences. "Modern art," above, refers to the sort of independent artistic visual expression that came into its own in the late 19th and early 20th centuries, and to subsequent works of art that are regarded as evolutionary descendants of such expression." Founder Duncan Phillips wished for the museum to continue to collect contemporary art by living artists of the kind he favored.

I. CATEGORIES OF ACQUISITIONS

Objects may be acquired for The Phillips Collection by gift, bequest, purchase, or exchange. For the purpose of this policy, acquisition is defined as taking physical and legal custody of an object.

Art objects acquired by The Phillips Collection fall into three categories, based on the significance of the object, quality of the object, intent of the donor (if any), and their intended use by The Collection within the guidelines of the mission statement. These categories, as defined below, are: 1) permanent collection; 2) study collection; and 3) non-accessioned property available for disposition. Upon the offering or contemplated purchase of an object, except as specifically provided otherwise in this Policy document, the curators will recommend the appropriate category for the object, subject to the approval of the Arts Committee of the Board of Trustees. After its acquisition, the curators, with the approval of the director and the Arts Committee, may reclassify an object as deemed appropriate given particular changes in circumstances, subject, in the case of deaccessions, to the Policies and Procedures for Deaccessions provided below.

1. **Permanent Collection:** All accessioned works of art. May include certain artworks, such as an artist's preliminary drawings, acquired primarily to enhance understanding and appreciation of important works already in the permanent collection.
2. **Study Collection:** Non-accessioned objects that provide research and educational material for student scholars, and may be exhibited on occasion
3. **Property Art for Disposition:** Non-accessioned objects already owned by The Phillips Collection that are accepted as gifts for potential resale and may be exhibited on occasion.

II. GENERAL COLLECTING GUIDELINES

When considering the addition of an object to The Phillips Collection, the Director, the Curators, and the Arts Committee shall use the following criteria:

1. The object is consistent with The Phillips Collection's collecting strategies and priorities, otherwise referred to as the Collecting Plan, as well as collecting guidelines stated below (stated below in section III).
2. The object can be given proper care under conditions that ensure its availability for The Phillips Collection's purposes and are in keeping with professionally accepted standards. Acquisition should not result in unwarranted future expenses for The Phillips Collection in conservation or maintenance.
3. The object should have an established provenance, sufficiently complete to protect the Collection against potential questions about legal title (as discussed in AAMD guidelines).
4. The object is intended to remain in the Collection as long as it retains its physical integrity, its identity and authenticity, and as long as it remains useful for The Phillips Collection's purposes.
5. The object is without restrictions required by a donor. On the rare occasion that The Phillips Collection wishes to accept an exceptional gift with donor restrictions, then such restrictions must be approved by the Arts Committee at the time of the acceptance of the object and signed by the Director. These approved restrictions must be clearly stated on the Record of Gift and all appropriate accession records. All restrictions shall be monitored by the Registrars and the Curators.
6. The Phillips Collection abides by all federal, state, and local laws as well as any international treaty or agreement concerning the acquisition, use of, and disposal of art objects.
7. Whenever possible, ownership of the copyright shall be established at the time the object is accepted. If The Phillips Collection does not have ownership, then the museum should secure the right to reproduce the object. Any restrictions should be clearly stated on all appropriate accession records and be monitored by the Registrars.
8. If an entire collection is being offered, the museum's policy is to consider each object individually to determine which objects meet the established criteria for acquisitions.

III. SPECIFIC COLLECTING GUIDELINES

The Director and the Curators of The Phillips Collection will seek to develop the Permanent Collection in an integrated way that adds a significant dimension to areas of current concentration or enriches underrepresented areas, all within the general focus outlined above in the first paragraph of this document.

The Director and the Curators will review both the Collection Management Policy and the Collecting Plan annually and update them as needed for Board approval. The collecting goals of this institution are to augment the historical collection and to build the Collection with art of our time, which can live well and meaningfully within the existing Collection. We seek paintings, drawings, prints, photographs, and sculptures, and (mindful of the inventiveness of artists and the continual impact of new materials) we are open to other media as well. Areas appropriate for future acquisitions may include, but are not exclusively limited to, the following:

1. Objects by recognized artists that support or enrich present strengths within The Phillips Collection or expand the canon of art history.
2. Recent works of art of all media that reflect the special character of The Phillips Collection by following its threads into the twenty-first century.

IV. POLICIES AND PROCEDURES FOR ACQUISITIONS

Objects may be acquired for The Phillips Collection through gift, bequest, or purchase in accordance with the following policies and procedures.

A. General Rules

1. The Director and Curators initiate all recommendations regarding potential acquisitions and accessions to the Arts Committee. All acquisitions and all accessions are subject to the approval of the Arts Committee, and are presented to the Board of Trustees for final approval, except for acquisitions made by the Director using the Director's Discretionary Fund and funds raised by the Contemporaries. The Phillips Collection may acquire an object without accessioning the object.
2. In the case of a partial transfer of ownership of a work of art, a decision to accession the first transfer of a partial interest in an object shall serve as a decision to accession all subsequent transfers of interests in the same object.
3. In the event that the Arts Committee does not concur in acquiring an object recommended by the Director and Curators, the minutes should reflect the basis for not doing so.
4. Before meetings of the Arts Committee, the Curators will prepare a written evaluation of the significance of objects proposed for acquisition and their compatibility with The Phillips Collection.

5. All Objects proposed for acquisition are contingent upon and subject to recommendation by one of the Curators or Conservators with the concurrence of the Director.
6. Only objects of particular significance will be presented physically at meetings of the Arts Committee. Other works will be made available to the Arts Committee and Board members for viewing prior to each meeting upon request.
7. Decisions about acquisitions must be made in a timely manner.
8. A Deed of Gift, acceptance letter, and any other documents must be signed by the Director on behalf of The Phillips Collection.
9. Contemporaneous minutes of all Arts Committee proceedings shall be documented and retained.
10. The museum's Registrars are responsible for the prompt documentation of matters referred to in this Collection Management Policy following any acquisition of a new object.
11. Notwithstanding anything to the contrary in sections IV.A and IV.B, the Director may, during so much of the calendar month of December as falls after a calendar year's final Arts Committee meeting, accept gifts of objects to the Collection for that calendar year, such gifts to be accessioned upon the next meeting of the Arts Committee.

B. Specific Rules: Gifts and Bequests

1. No objects will be accepted as gifts to The Phillips Collection without the recommendation of the Director and the Arts Committee.
2. The Phillips Collection should discourage gifts that are restricted in any way. If restrictions are approved, they must be described and acknowledged in writing by the Director in the Deed of Gift, acceptance letter, and/or other written and signed documentation.
3. Upon notice of an intended donation of an object, the Curators shall obtain information about the object from the donor: viz., the artist, title, date executed, medium, dimensions, condition, provenance, and history of exhibition and publication.
4. For every object donated, a Deed of Gift must be signed by the owner or legal agent and the Director on behalf of The Phillips Collection. The Deed of Gift insures that all donations are unrestricted unless otherwise acknowledged in writing by the Director as

an exception to the general rule. Acceptance of gifts that are restricted in any way is generally inadvisable.

5. All gifts must be acknowledged by a letter signed by the Director on behalf of The Phillips Collection. Any accepted restrictions on the donated object are also to be stipulated in this letter.
6. Under no circumstances will The Phillips Collection assign or communicate to the donor the fair market value of a donated object: The Phillips Collection cannot make appraisals for any object. The Phillips Collections staff may provide the names of at least two qualified appraisers or refer the donor to the American Society of Appraisers and the Appraisal Association of America. It is up to the individual donor at his/her expense to obtain an appraisal for tax purposes if they so wish.
7. Long-term loans intended for donation shall be evaluated in the same manner as a gift, yet considered in relation to the provisional circumstances of a loan.
8. No object will be accepted as a bequest to The Phillips Collection without the recommendation of the Director, the Curators, and the Arts Committee. Objects bequeathed to The Phillips Collection are reviewed in the same manner as gifts. In cases involving a group of objects, the objects shall be individually considered.
9. In general, partial gifts of objects should not be accepted unless there is a prior or contemporaneous promised gift that ensures eventual conveyance of a full interest in the object to the Collection.
10. A promised gift must be acknowledged by a letter signed by the donor; such a letter should generally be acknowledged by the signature of the Director on behalf of the Collection. Acceptance of a promised gift shall be subject to the approval of the Arts Committee.
11. A partial gift shall be treated as an acquisition, subject to the approval of the Arts Committee.

C. Specific Rules: Purchases

1. The Curators, working with the Director, initiate all proposals for acquisitions purchased for The Phillips Collection, with the exception of acquisitions made by the Director using the Director's Discretionary Fund.
2. The Arts Committee reviews all proposed acquisitions of objects to be purchased for The Phillips Collection with funds designated for art acquisitions, with the exception of acquisitions made by the Director using the Director's Discretionary Fund.

3. Before objects are purchased for The Phillips Collection, the fairness of the purchase price as well as the possibility of getting a comparable object donated to The Phillips Collection are to be considered by the Director and the Curators.
4. The purchase of objects that are restricted in any way is generally inadvisable.
5. All purchases made with donated acquisition funds are to be appropriately credited to the donor(s) of these funds.

V. POLICIES AND PROCEDURES FOR DEACCESSIONS

For the purpose of this policy, deaccessioning is defined as the process by which a work of art or other object (collectively, a “work”), wholly or in part, is permanently removed from a museum’s permanent collection. Disposal is defined as the transfer of ownership by the museum after a work has been deaccessioned; in the case of false or fraudulent works, or works that have been irreparably damaged or cannot practically be restored, removal from the collection and disposition are determined by the museum and may include destruction of the work (as defined by AAMD Professional Practices in Art Museum, 2011 Edition, revised 2022).

By virtue of Article II, (C) of the Collection’s Articles of Incorporation, none of the art objects included in the museum’s selective scholarly catalogue, *The Eye of Duncan Phillips*, which comprises the core collection, can be considered for deaccession. The Arts Committee may recommend to the entire Board of Trustees additions to the above core collection of the museum.

The Phillips Collection is an irreplaceable entity that is distinguished by its special character and exceptional quality. The purpose of deaccessioning is to refine and improve where possible the quality, distinction, and relevance of the Permanent Collection to better serve the museum’s mission. The disposal of an artwork, whether by sale or exchange, shall be conducted with a view toward maximizing the yield and benefit to the institution.

The museum’s policy complies with the requirements of the Association of Art Museum Director’s policy on deaccessioning and disposal set out in the AAMD Professional Practices in Art Museums document (2011 Edition, revised 2022).

Net proceeds received directly from the sale of works of art will be used only for the purpose of acquiring or commissioning works of art that are consistent with the Board of Trustees’ approved strategic plan, or for direct care of works in the permanent collection. Such funds, including any earnings and appreciation, shall be tracked separately from other acquisition funds.

Section 25 of AAMD’s “Professional Practices in Art Museums (2011; rev. 2022),” defines direct care to mean the direct costs associated with the storage or preservation of works of art. Such direct costs include for example those for

(i) conservation and restoration treatments (including packing and transportation for such conservation or restoration) and (ii) materials required for storage of all classifications of works of art, such as, acid-free paper, folders, matboard, frames, mounts, and digital media migration. Funds received from the disposal of a deaccessioned work of art shall not be used for operations or capital expenses except as provided above. Direct care does not include (a) salaries of staff or (b) costs incurred for the sole purpose of temporary exhibition display.

Deaccessioning an object from the Permanent Collection is a serious issue but a proper function of collection management. Its purpose is not to generate operating revenue but rather to provide funds to enhance the quality, distinction, and relevance of the Permanent Collection, without violation of any legal or ethical obligations. Objects may be deaccessioned when the above conditions no longer prevail, or if it is determined that such action would ultimately improve or refine the Permanent Collection. The deaccessioning of objects should be carefully considered, and subject to the criteria listed below. In applying these criteria, The Phillips Collection recognizes the need to follow a judicious course that avoids the influence of sentimentality or personal taste, and/or the substitution of current taste for that of previous generations.

A. Criteria for Deaccessioning an Object

One or more of the following criteria must apply before an object can be considered for deaccession:

1. The object is neither in keeping with nor furthers the mission of the Phillips.
2. The object does not play a significant role in establishing the unity and special character of the Permanent Collection.
3. The work lacks sufficient aesthetic merit or art historical importance to warrant retention.
4. The object has lost its integrity through significant damage or deterioration such that it cannot be used for purposes of exhibition, education, research, or publication.
5. It is found that the object has been incorrectly documented, described, or attributed and/or is found to be a reproduction, fake, or forgery. If The Phillips Collection disposes

of any object that is a fake or forgery, the object must be documented thoroughly and labeled as such prior to its disposal.

6. A better or comparable example is in the collection or is being considered for acquisition.
7. The museum is unable to care adequately for the work due to requirements for storage or display or its continuing need for special treatment.
8. The object is redundant or duplicative of an object in the collection.
9. The Museum is ordered to return an object to its original and rightful owner by a court of law; The Museum determines that another entity is the rightful owner of the object; or the Museum determines that the return of the object is in the best interest of the Museum.

B. Deaccessioning Process

1. The Director initiates all proposals to deaccession an object from the Permanent Collection. All proposals to deaccession must be approved by the Arts Committee.
2. In areas where staff expertise is minimal, appropriate professional advice is to be solicited from a qualified, independent consultant.
3. The Phillips Collection must seek to obtain the highest market value for any deaccessioned object that is to be sold, and must document that process.
4. If any legal questions exist concerning the right of The Phillips Collection to dispose of an object or if there is no written documentation confirming The Phillips Collection's absolute and unconditional ownership of the object, the Director must seek an opinion from The Phillips Collection's legal counsel.
5. During the review process the Curators must prepare a statement for consideration that gives current information on the object proposed for deaccession and the justification for deaccessioning it. This statement must include information on how the object came into the Permanent Collection, proof of title, proof that there are no restrictions prohibiting its removal, a description of the object, a report on its condition, and the proposed means of disposal.
6. If approved by the Arts Committee, recommendations on deaccessioning are presented to the Board of Trustees for final approval.
7. Minutes of all Arts Committee proceedings on deaccessions shall be documented and retained.

8. In the event that the Board of Trustees does not approve the deaccession of an object recommended by the Director and the Arts Committee, the minutes shall reflect the rationale for not deaccessioning the object.
9. Unless the donor objects, the donor name as cited on the originally accessioned object(s) will be carried forward on the object(s) acquired with the applicable deaccession exchange funds. The resulting credit lines will specify, "Purchased with exchange funds from..."
10. The Registrars implement arrangements for the deaccession and disposal of the object.
11. The Registrars keep a record of all deaccessioned objects and their disposal. These records shall include the original accession papers as well as all papers regarding the deaccessioning and a photograph of the object.
12. The Phillips Collection should make every reasonable effort to inform donors or their heirs in writing and in advance of the proposed deaccession of their object and of The Phillips Collection's policies governing the use of funds from the deaccessioned object and subsequent acknowledgement. When possible, donors shall be advised of any deaccession.

C. Disposal of Deaccessioned Objects

In disposing of deaccessioned objects, The Phillips Collection acknowledges its obligation as a public institution to weigh any financial advantages relative to collection management against any ethical and/or moral benefits to be derived from keeping such objects in the public domain and/or immediate region. The museum shall act to maximize the financial yield to the museum without compromising the highest standards of professional ethics when works of art are to be sold, rather than, for example, traded or gifted.

The deaccession process will be based on the following options and criteria:

1. The preferred method of disposing a deaccessioned object is by sale through a public auction or private sale through a reputable, established dealer .
2. Sale of the deaccessioned object will be accomplished by securing proposals from at least three independent dealers or auction houses.
3. The final decision regarding the means by which to dispose of a deaccessioned object is made by the Director and chair and vice chair(s) of the Board in consultation with the Arts Committee chair and vice chair. The director shall inform the Board of Trustees of the results of disposal of deaccessioned objects.

4. Donation of the deaccessioned object, if it has limited market value or if the deaccessioned object is seriously damaged and/or deteriorating beyond usefulness to The Phillips Collection.
5. Exchange of the deaccessioned object with another museum or public institution.
6. Transfer of the deaccessioned object to another public institution to keep it in the public domain.
7. In cases where the deaccessioned object is by a living artist, the museum may choose to dispose of the object by exchange with the artist.
8. In cases where a deaccessioned object has particular local or historic interest for the community, special consideration should be given to an avenue of disposal that allows the deaccessioned object to remain within the community.
9. Under no circumstances shall ownership of a deaccessioned object be transferred to any benefactor, potential benefactor, volunteer, employee, or member of the Board of Trustees or Council of The Phillips Collection. Disposal of a deaccessioned object should avoid any resolutions that in any way suggest a conflict of interest, as interpreted within the current ethical codes set forth by the American Alliance of Museums and the Association of Art Museum Directors.
10. Neither the deaccessioning nor disposal may violate the provisions of a gift, will, bequest, deed, or other contract in those cases where such documents are involved

VI. POLICIES AND PROCEDURES FOR OUTGOING LOANS

1. Recognizing the importance of its exceptional collection of modern and contemporary art, The Phillips Collection cooperates with other institutions on local, national, and international levels through an outgoing loan program that increases public access to objects in its Collection.
2. Objects under consideration for loan are examined for condition by the Conservators and must be judged in stable condition for travel and for display.
3. The Director, following the recommendation of the Curators and Conservators, approves outgoing loans whose insurance value is less than \$5 million.
4. All outgoing loans with insurance values of \$5 million and above must be approved by the Arts Committee and presented to the Board of Trustees for final approval.