

## PROCEDURE

<b>Procedure Title</b>	Art on Campus
<b>Procedure Holder</b>	Director, Advancement and External Relations
<b>Procedure Approver(s)</b>	Senior Team
<b>Related Policies</b>	Art on Campus Gift Acceptance Gifts in Kind Naming Potential Donor-Sponsor Clearance Sponsorship, Donations & Attendance for External Events
<b>Related Procedures</b>	Gift Acceptance Gifts in Kind Naming Potential Donor-Sponsor Clearance Sponsorship, Donations & Attendance for External Events
<b>Appendices</b>	
<b>Storage Location</b>	<a href="https://www.confederationcollege.ca/policies-and-procedures">https://www.confederationcollege.ca/policies-and-procedures</a>
<b>Effective Date</b>	2025-03-14
<b>Next Review Date</b>	2028-03-14

### Purpose

The purpose of this procedure in accordance with the Art on Campus Policy is to guide the selection, placement, and maintenance of artwork on campus to enhance the educational environment, reflect the values of Confederation College (hereafter ‘the college’), and celebrate cultural diversity. It aims to ensure that all art installations are thoughtfully curated, inclusive, and aligned with the institution's mission and strategic goals.

### Scope

This procedure is applicable to all students, faculty, staff and Board of Governors of the College.

### Definitions

**Acquisition:** An acquisition is an Artwork that has entered the Permanent Collection.

**Art:** The College defines art, for the purposes of this directive, as the creation of aesthetically-impactful or thought-provoking works that include but are not limited to printmaking, drawing, book and paper art, painting, sculpture, ceramics, textiles, photography, installation art, soundscapes, digital art and mixed media.

**Artwork:** An artwork is a physical, digital or sonic object considered an artistic creation. For the purposes of the Confederation College Art Policy, “works of art” include:

- a. paintings, drawings, prints, photographs, films or videotapes;
- b. sculptures, in any material or combination of materials whether in the round, relief, mobile, fountain, kinetic or electric;
- c. crafts, in any material or combination of materials such as clay, fiber, wood, textiles, glass, metal, plastic;
- d. architectural embellishments such as ornamental surface treatment, special lighting, landscaping or specific architectural design features; and
- e. works of historical significance, arts and crafts, and antiques.

**Commissioning:** Commissioning is the act of hiring and paying for the creation of an Artwork.

**Deaccessioning:** Deaccessioning refers to the permanent removal of one or more Artworks from the Permanent Collection.

**Gift:** Any voluntary transfer of real or personal property, including in kind property, from individuals, organizations, or other sources (“donor”) to the college. A gift is made without expectation of return or benefit to the donor or any individual or organization designated by the donor because of acceptance of the gift.

**Contribution:** A transfer of property that does not meet the definition of a donation. A contribution is often a business expense for the donor, typically arising from a sponsorship opportunity. Since sponsorship opportunities are made under contract (implied or explicit) and generally involve a significant benefit to the donor in terms of advertising and promotion value, a sponsorship would be considered a contribution. A contribution also includes the proceeds of sales and other business activities, lotteries, raffles and auctions. With a contribution, the donor is not entitled to a charitable receipt for income tax purposes.

**Donation:** A voluntary transfer of property without valuable consideration to the donor. The donor is entitled to a charitable donation receipt for income tax purposes.

**Gift in kind:** Also known as non-cash gifts, can be gifts of real property or other tangible or intangible items such as artwork, equipment, securities, cultural or ecological property. Note: per the Canada Revenue Agency, a contribution of service, that is, of time, skills or efforts, does not qualify for charitable receipt.

**Permanent Collection:** The Permanent Collection encompasses all the College’s art collections which will be held as a legacy by the College.

**Permanent Works of Art:** Permanent works of art are those which persist in time and space, and which are not ephemeral in nature. Such works would include:

- a. fixed works of art (e.g., permanently installed sculpture) which, because of their size, weight, or site-specific nature, cannot or should not be easily moved (e.g. Presidential portraits in the Board of Governors Boardroom). Also included are works of art which are an integral part of a structure (e.g. murals on walls etc);
- b. portable works of art (e.g. a small painting) which may be in a variety of settings and are generally more easily moved but are nevertheless permanent in nature.

**Sacred Item:** As defined by the Canada Revenue Agency (CRA), an object of Indigenous material culture deemed holy or sacrosanct by virtue of its ritual or ceremonial association. Depending upon the nation in question. Sacred Items can include a range of objects connected with drumming, dancing, smoking rituals, vision questing, fasting or traditional healing and sweat lodge rites.

**Temporary Works of Art** - Temporary works of art shall include works of art exhibited on a temporary basis or for a specific occasion, time frame or event. They also include works of art which are temporary or ephemeral in nature (e.g. performance art or ice sculpture).

## Governing Laws and Regulations

*Cultural Property Import and Export Act*, R.S.C. 1985, c. C-51

*Income Tax Act*, R.S.C. 1985, c.1 (5<sup>th</sup> Supp.)

*Income Tax Regulations*, C.R.C., c. 945, as amended

*Ontario Heritage Act*, R.S.O. 1990, c.O-18

Registered Charities and Income Tax Act.

UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970.

## Procedure Statements

### 1. Acquisition

1.1. The College can acquire works of art in the following ways:

1.1.1 By Donation:

- individual donors by gift or bequest;
- organizations or associations within the College;
- corporations or organizations outside the College;
- students.

*\*The acceptance of gifts of works of art will be the responsibility of the Office of Advancement with a strict adherence to the Canada Revenue Association guidelines and corresponding laws/statutes.*

1.1.2 By Purchase

- works of art paid for by the College;
- commissioned works;
- acquired works of art that are an integral part of a College construction project;
- works of art as a joint project with another organization.

1.1.3 By Loan

1.2 The following procedures must be observed when considering the acquisition of works of art:

1.2.1 The proposed work of art should be compared with the artist's best work.

1.2.2 The acquisition shall strengthen the collection.

1.2.3 The physical condition of the work of art shall be ascertained and any requirements for immediate or future conservation shall be noted. Special storage, display and loan requirements are also considerations before acquisition.

1.2.4 It is important to ascertain the interest that the donor has in the work of art as absolute ownership must pass to the College.

1.2.5 All collecting activities shall be in accordance with the laws of Ontario, other Canadian provinces, Canada, and international agreements between Canada and other countries. These include:

- The Ontario Heritage Act.;
- The Cultural Property Import and Export Act, 1977.;
- The UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, 1970.

1.2.6 Care must be taken to ensure the ownership of the artwork to be donated. If necessary, the College may, if requested by the Advancement Department, access R.O.S.A. (The Repository of Stolen Artifacts) through C.H.I.N. (The Canadian Heritage Information Network) which is the Interpol listing of stolen art.

- 1.2.7 The College shall investigate the status of copyright on all works of art. The College should acquire reproduction copyright whenever possible though not being able to acquire it would not prohibit the acquisition.
- 1.2.8 On all contemporary work acquired by the College, exhibition copyright should be acquired through purchase or waiver. The College shall carefully monitor changes in copyright law. (Copyright exists for the lifetime of the artist plus 50 years.)
- 1.2.9 Donations may not normally be accepted where a condition of donation requires permanent exhibition of a work of art.
- 1.2.10 The College will attempt to honour a request that a work of art be placed in a specific location.
- 1.2.11 If a work of art is rejected, care must be taken to thank the donor and to advise where the gift might be acceptable and to establish connections so as to retain the confidence and goodwill of the donor. If a donation is accepted, thanks shall be extended by the President.

## **2. Receipts and Appraisals Guidelines**

- 2.1. Pro the issuance of receipts to donors and the accurate appraisal of donated works of art shall be undertaken with the following guidelines.
  - 2.1.1 As a general principle the donor is personally and financially responsible for having the work(s) officially appraised. Normally, P.A.D.A.C. (the Professional Art Dealers Association of Canada) would be used for appraisal purposes.
  - 2.1.2 The College may undertake to have the proposed acquisition appraised if the donor agreed in writing beforehand to make a donation to completely cover the cost of the appraisal. A tax receipt will then be issued for the amount of this appraisal and a benefit will be gained by the donor and the College. A receipt will be issued as well for the value of the work of art.
  - 2.1.3 To preserve the legal integrity of the gift, free of challenge by Revenue Canada, it is important to ensure that the object is in the physical possession of the College at the time that the gift is made, and the receipt provided.
  - 2.1.4 Documentation of the date of the gift is important to the donor for tax purposes.

## **3. Deaccessioning**

- 3.1 To deaccession requires a recommendation from the Department of Advancement and External Relations to the President and Senior Leadership Team.
- 3.2 Items of significant monetary value, which have been approved for deaccessioning, may be disposed of by the College in such a way as to obtain a return which approaches current market value.
- 3.3 Methods of disposal will adhere to all Confederation College conflict of interest policies. Recommended methods of disposal include:
  - 3.3.1. out-right sale offering items by auction or any other means to ensure maximum value for the item;
  - 3.3.2. donating item to non-profit institutions, organizations, businesses, etc.;
  - 3.3.3. sale through established, reputable dealers;
  - 3.3.4. exchange for upgrading purpose with a living artist or established dealer;
  - 3.3.5. Destruction (elimination).
- 3.4 Legal counsel as to the disposition of the object should be sought regarding questions of legitimate title and/or the discovery that a work has been stolen.
- 3.5 When art is deaccessioned the College will follow relevant SDG guidelines for sustainability.
- 3.6 When art is deaccessioned the College will follow relevant SDG guidelines for sustainability.
- 3.7 The following cautions must be observed when deaccessioning works of art:
  - 3.7.1 It must be ascertained that there are no legal or time restrictions against disposal of the work and that disposal will not contravene cultural property legislation. Where there are no legal restrictions, efforts will be made to consult with the donor(s) or his/her heir(s) or representative(s).
  - 3.7.2 Memorial gifts that have been accepted should be deaccessioned with caution.
  - 3.7.3 All terms of sale and sales negotiations shall be the responsibility of the Department of Advancement & External Relations.

3.7.4 Control of all funds realized from the disposal of art would be the responsibility of Senior Team for disposition to support College priorities at the time. Expenditures from this fund would require the approval of Senior Team.

3.7.5 No work shall be subjected to disposal unless an exceptional condition or reason for disposal is found to exist.

#### **4. Exhibitions**

4.1 It is the College's policy to promote and/or facilitate the display of artworks on campus. It is the intention of the College to display high quality artworks from a variety of sources, in all media possible. The overall goal of the College is to provide educational and cultural opportunities for the College and public communities.

##### **4.2 Procedures**

4.2.1 Any group or individual wishing to exhibit on campus must apply in writing to the President who will share this information with Senior Team. Applications should include:

- contact name;
- address, telephone, fax;
- brief description of work (slides if available);
- the aim/purpose of this exhibition;
- dates requested (including set up and take down);;
- exhibitions space required (provide dimensions and specific needs)
- promotional materials, if available.

4.3 The Department of Advancement & External Relations in conjunction with the Manager of Events will review the application and notify the applicant on behalf of the President as soon as possible regarding the status of their request.

4.4 Successful applicants will be sent an information package composed of the following:

- security responsibilities (College's, exhibitor's);
- costs - housekeeping, administration fee, etc.;
- confirmed dates;
- insurance requirements;
- uncrating & crating requirements;
- College contact person;
- promotional possibilities;
- expectations of the exhibitor such as set up, take down, etc.

- 4.5 Upon confirmation of exhibition, a contract will be signed between the College and the exhibitor(s).

## **5. Loans**

- 5.1 When a department, individual and/or group of the College wishes to borrow works of art from individuals, corporations, and national or international organizations for a set period of time of short duration, requests must be made in writing and shall be directed to the Senior Leadership Team for consideration.
- 5.2 The same criteria for acceptance of artwork donations as listed in the Acquisition Policy (Guidelines) shall apply to loans.
- 5.3 The installation location/site must be approved by the Senior Leadership Team and the loan approved for a specific period of time.
- 5.4 Once a loan has been approved, a formal written agreement or memorandum of understanding will be created to outline the terms of the loan and will be held by the Department of Advancement and External Relations, with a copy given to relevant departments.
- 5.5 Insurance coverage for loans against loss or damage or public liability and any cost incurred for special installation needs such as installation or location site preparation, restoration after removal of artwork, shipping costs to and from installation, lighting and special environment controls, shall be the responsibility of the lender.

## **6 Reporting**

- 6.1 A report will be drafted at the end of each fiscal year and given to the President and/or their delegate detailing all works of art that have been accessioned or deaccessioned in the last fiscal year.
- 6.2 A copy of the report will be held by the Department of Advancement and External Relations.

## Non-Compliance

Employees have the responsibility to follow policies and procedures regardless of their position and are required to report any situation where they are asked to violate policies. Individuals or those directing others must also adhere to policies and will be held responsible for their own behaviour and for the behaviour of persons reporting to them who have violated policies and procedures. Failure to comply with this policy and procedure may result in disciplinary action up to and including termination of employment for individuals found submitting or approving fraudulent expenditures, or causing financial loss, reputational damage and/or legal sanctions against the College.

## Revision History

Version	Change	Author	Date of Change
Original		Director, Advancement and External Relations	2021-10-19
V2	Updated to new template	Department of Advancement	2025-03-14