

# **SAN DIEGO ARCHAEOLOGICAL CENTER**

## **COLLECTIONS MANAGEMENT POLICY**

*Approved April 11, 2006*  
*Amended September 9, 2008*  
*Amended May 14, 2013*

### **Purpose**

The purpose of this policy is to describe the acquisition, deaccession and care of archaeological collections<sup>1</sup> in accordance with the San Diego Archaeological Center's mission to preserve archaeological collections and promote their educational, scientific and cultural use to benefit a diverse public.

### **Authority**

#### **Board of Trustees**

The San Diego Archaeological Center Board of Trustees is responsible for the accession, deaccession and care of collections at the San Diego Archaeological Center.

#### **The Collections Committee**

The Collections Committee is an ad hoc committee consisting of Center Trustees, Center Director, and members-at-large who can meet at specified times to:

1. Review and make recommendations on
  - a. Accession and deaccession determinations;
  - b. Curation and service fees;
  - c. Center's Collections Management Policy, and
  - d. Accession Agreements and Curation Contracts.
2. Pursue the identification, quantification, funding and acquisition of "orphan collections."

#### **Guiding Principles**

The San Diego Archaeological Center (Center) is dedicated to fulfilling the intent of the California Environmental Quality Act (CEQA) to preserve examples of the major periods of California history [§21001(c)] and to offset the impact land development pressures on cultural resources. The Center is committed to the preservation of our archaeological legacy for present and future generations and serves as a curation technology resource to federal, state and local government and private companies.

The San Diego Archaeological Center maintains archaeological collections in accordance with:

- The Curation of Federally-Owned and Administered Archaeological Collections (36 CFR Part 79);
- Native American Graves Protection and Repatriation Act (NAGPRA);
- State of California Guidelines for the Curation of Archaeological Collections (1993);
- Center's Institutional Code of Ethics;

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<sup>1</sup> The term "collections" in this document refers to a single artifact or a quantity of artifacts.

- Center's NAGPRA Policy;
- Center's long-term Curation Contracts;
- Center's Collections Management Policy;
- Center's Recommended Minimum Curation Strategies; and
- National Park Service *Museum Handbook*, Part I, Museum Collections; American Indian and culturally affiliated group advice; professional museum and archival practices and any other relevant and appropriate recommendations as to the care of archaeological collections and archives.

### **Collections Acceptance Policy**

The Center was established to acquire and curate archaeological collections representative of the region's entire history, primarily artifacts excavated within San Diego County. However, the Center recognizes the shortage of qualified curation repositories in the region and the nation as a whole. The Center may accept collections from outside San Diego County as space permits, provided that they are in keeping with the mission statement and the provisions of this Collections Management Policy. The Board of Trustees has the right to accept or refuse any collection for permanent or temporary curation as it sees fit.

- Collections accepted for permanent curation may originate from excavations conducted in compliance with CEQA, NEPA or local regulations for the protection of cultural resources;
- Gifts from private donors, provided they were not obtained illegally; and
- Other sources as deemed appropriate by the Board of Trustees.

Collections accepted for permanent curation become the property of the Center. The donor must be able to prove ownership and sign a Collection Accession Agreement or Deed of Gift.

The Center may accept collections for temporary curation in the following circumstances:

- Curation contracts with federal agencies in accordance with 36 CFR Part 79 Curation of Federally-Owned and Administered Archaeological Collections;
- Curation contracts with state or local government agencies;
- Loans for exhibition, research or consideration of acquisition; and
- Other reasons as deemed appropriate by the Board of Trustees.

Collections accepted for temporary or semi-permanent curation do not become the property of the Center. The Center may not use or permit the use of contracted or loaned collections for any reason without the express written consent of the contracting agency or owner. The Center requires the collection owner to maintain responsibility for the collections, including payment of fees, addressing requests for use and maintaining communication with the Center.

#### **Fee for Service**

The Center may charge a fee for permanent or temporary curation of collections, and the Board of Trustees may waive or adjust fees as it sees fit. Accession and curation costs may include labor, supplies, curatorial charges, attorney's fees, transportation and any other appropriate charges. Curation of collections originating from outside San Diego County may be subject to a non-refundable out-of-county surcharge.

## Accession

### Accession Agreements

The Center Director and staff will evaluate collections presented for accession<sup>2</sup> and make a recommendation to the Board of Trustees. The Board of Trustees may accept collections for permanent curation in accordance with this policy.

Criteria for accepting collections for permanent curation include:

- The collection is accompanied by required documentation;
- The collection is accompanied by full payment for accession fees, revitalization and/or other services as specified in the Accession Agreement; and
- The donor is the lawful owner of the collection, has the authority to make the gift and is willing to transfer all associated rights of the donor;
- The collection does not fall under the provisions of the Center's Accession of Under-Documented Collections Policy (see Appendix A);
- The donor is willing to certify that the collection has not been obtained in violation of any local, state, national or international laws pertaining to natural or cultural material;
- There are no encumbrances upon the collection;
- The donor acknowledges that the collection becomes irrevocably the property of the Center and may be displayed, stored, maintained and disposed of as the Center deems appropriate;
- The donor acknowledges that the collection may be reproduced in any media including but not limited to photographs, video, note cards, posters, publications, clothing, electronic media, etc., including but not limited to digital and computer images; and
- The donor is willing to sign an Accession Agreement.

Additional considerations may include:

- Does the collection complement the existing collections;
- Is the collection in reasonably good physical condition;
- Is the collection hazardous to other collections or personnel;
- Is the collection exorbitantly expensive to conserve or maintain;
- Does the collection possess future research and/or educational potential;
- Is the size of the collection manageable;
- Is the collection from a time period or geographical area under-represented in the collection;
- Does the collection have exhibit or educational value;
- Was the research methodology used to obtain the collection unique;
- Is the collection unique in any way;
- Is future archaeological investigation impossible in the area from which the collection was collected.

### Donations

The Center Director and staff will consider collections presented for donation and make a recommendation to the Board of Trustees. The Board of Trustees may accept donated collections in accordance with this policy.

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<sup>2</sup> Accession refers to the formal process for accepting collections for permanent or temporary curation,

Criteria for accepting donations include:

- The donor is the lawful owner of the collection, has the authority to make the gift and is willing to transfer all associated rights of the donor;
- The donor is willing to certify that the collection has not been obtained in violation of any local, state, national or international laws pertaining to natural or cultural material;
- There are no encumbrances upon the collection;
- The donor acknowledges that the collection becomes irrevocably the property of the Center and may be displayed, stored, maintained, deaccessioned or disposed of as the Center deems appropriate;
- The donor acknowledges that the collection may be reproduced in any media including but not limited to photographs, video, note cards, posters, publications, clothing, electronic media, etc., including but not limited to digital and computer images; and
- The donor is willing to sign a Deed of Gift.

Certain collections or objects without provenance, lacking documentation, or of little research or cultural value, may be placed into the Teaching Collection. The collections and objects in the Teaching Collection are the property of the Center, but are not accessioned into the Permanent Collections. The Teaching Collection does not require inventory, inspection or curation.

Under documented collections may be accepted for acquisition in accordance with the Center's policy on under-documented collections.

### **Curation Contracts**

The Center Director and staff will evaluate collections presented for temporary or long-term curation under contracts and make a recommendation to the Board of Trustees. The Board of Trustees may accept collections under curation contracts and provide other services as specified in the curation agreement in accordance with this policy.

Criteria for consideration of accepting collections under Curation Contracts may include the following:

- The curation agreement contains all the elements listed in 36 CFR Part 79 and any other elements previously determined necessary by the Board of Trustees;
- The collection is accompanied by required documentation; and
- Arrangements for curation fees and payment have been determined.

In addition, curation contracts must contain a clause concerning actions allowable for nonpayment or abandonment of collections. Responsibility for the transportation of the collections to the curation facility must also be specified.

### **Deaccession**

The Center Director and staff will evaluate collections for deaccession<sup>3</sup> and make a recommendation to the Board of Trustees. The Board of Trustees may deaccession collections in accordance with this policy.

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<sup>3</sup> Deaccession refers to the removal of collections from the permanent collections

The Center is a public benefit organization and holds accessioned collections as a public trust. Therefore, the decision to deaccession collections or objects will not be taken lightly. There are many reasons collections or objects may come under review for deaccession. Collections accessioned after careful consideration may be deemed superfluous to the goals of the Center at a later date, objects may deteriorate beyond a repairable state or another nonprofit organization might be able to provide a better environment for the collections or objects. In any event, careful consideration will be given to maintaining the best interests of the public before deaccession is considered.

Under no circumstances will collections or objects held under a curation contact or loan be deaccessioned without the written permission of the contracting agency/owner.

Collections or objects considered for deaccession will be evaluated with the following criteria in mind:

- Does the object qualify for NAGPRA repatriation;
- Does the Center have clear title or custody of the collection or object;
- Were any restrictions placed on the collection or objects at the time of accession;
- Does the donor or any descendant of the donor express objection to deaccession of the collection or object;
- Is the collection or object made of a material hazardous to other objects or to persons;
- Is the collection or object deteriorated beyond usefulness or repair;
- Is the collection or object exorbitantly expensive to conserve or maintain;
- Is this type of collection or object over-represented in the collection;
- Is this type of collection or object still in keeping with the Center's Collections Management Policy.

If the Board of Trustees determines that a collection or object should be deaccessioned, final disposition recommendations will be based on the following options:

- If applicable, repatriate per NAGPRA;
- Retire the collection or object to the Teaching Collection;
- Return the collection or object to the donor;
- Exchange or give to another nonprofit organization which can better preserve or exhibit the collection or object; or
- Destroy the collection or object as a last resort.

A Deaccession Recommendation will be completed for each collection or object deaccessioned and the deaccessioned collection or object handled accordingly. Records will be maintained documenting all deaccessions. The details of the deaccession will be entered into the minutes of the next Board of Trustees meeting and documentation concerning deaccession will be kept at the Center permanently.

## **Loans**

### **Outgoing Loans**

The Center may lend accessioned collections for use in specific exhibitions, educational or research purposes and to culturally-affiliated American Indian or cultural groups use in religious, spiritual or teaching activities. The terms and length of the loan must be specifically indicated

on the Outgoing Loan Agreement. No loans of indefinite period will be made. Under no circumstances may collections or objects held under a curation agreement be lent without the written permission of the contracting agency/owner. Intellectual property rights remain with the Center.

### **Incoming Loans**

The Center may accept collections or objects on loan from outside sources for use in specific exhibitions, educational or research purposes or for consideration of accession. The terms and length of the loan must be specifically indicated on the Incoming Loan Agreement. No loans of indefinite period will be accepted. The lender understands that if, after reasonable efforts, the Center is unable to return the collection or objects to the lender, the Center has the right to place the objects in curation and to charge regular curation fees and to have a lien for such costs. If the lender does not reclaim the objects in 90 days after the termination of the loan agreement, the objects may become a gift to the Center. Intellectual property rights remain with the collection owner.

### **Care of Collections**

The Center will maintain collections in accordance with:

- The Curation of Federally-Owned and Administered Archaeological Collections (36 CFR Part 79);
- National Park Service *Museum Handbook*, Part I, Museum Collections;
- Guidelines for the Curation of Archaeological Collections (State Historical Resources Commission, Office of Historic Preservation, California Department of Parks and Recreation, dated May 7, 1993);
- Culturally-affiliated American Indian or other cultural group advice;
- Professional museum and archival practices; and
- Any other relevant and appropriate recommendations as to the care of archaeological collections in order to prevent degradation of collections by human or environmental factors.

### **Collection Access**

Access to the Center public areas may be granted to visitors wishing to view public exhibits, employees, volunteers, interns, academic researchers, anthropology and archaeology professionals, other qualified individuals, American Indians and representatives from other cultural groups at the discretion of Center personnel.

Access to storage areas is restricted to members of the public on supervised tours and to employees, volunteers, interns, academic researchers, anthropology and archaeology professionals, other qualified individuals, American Indians and representatives from other affiliated cultural groups at the discretion of Center personnel. All individuals must complete a Center Access form and agree to abide by the rules and regulations of the Center.

Collections or objects considered fragile, especially sensitive or valuable will be curated in restricted access areas and may be accessed only under supervision by Center Director or Collections Manager.

Items awaiting repatriation will be stored in a restricted area with access limited to Center Director, Collections Manager and collection owner, with consideration to American Indian guidelines concerning care and handling.

### **Use of Collections**

The San Diego Archaeological Center Board will maintain pre-contact and historic archaeological, anthropological and ethnological collections in accordance with 36 CFR Part 79, section 79.10: Use of Collections. Collections may be used for study, laboratory analysis, loan, education, exhibition, religious rituals or spiritual activities, and other uses.

Request for use of collections will be made to the Center Director and must include the reason for the request, description of activities to be performed, time line and intended final result of use. The Center Director will review the request for use and forward it to the collection owner, i.e., the Center Board of Trustees or the contracting agency, for consideration. The Center Director will document actions taken in response to requests for use of the collections.

### **Sale of Collections**

The Center will not sell collections or objects from the Permanent Collections; nor buy collections or objects for the Permanent Collections. Under no circumstances will collections or objects held under a curation agreement or loan be sold.

### **Valuation**

The Center is a nonprofit 501(c)(3) organization and donors may claim a tax deduction commensurate with the value of collections or objects donated to the Center. It is not appropriate for Center personnel to value or appraise collections or objects offered for donation, as this may be considered a conflict of interest by the Internal Revenue Service. It is suggested that the donor seek an appraisal from a disinterested third party prior to donation.

Center personnel and trustees will not value nor authenticate collections or objects presented for appraisal if it appears that the intent is to place the collections or objects on the antiquities market.

### **American Indian Considerations**

The Center recognizes the spiritual properties of all archaeological, anthropological and ethnological artifacts, especially American Indian human remains and cultural material. The Center will abide by all laws pertaining to the disposition of cultural material and human remains. American Indian Tribes are invited and encouraged to visit the collections at the Center. The Center will observe and encourage American Indian suggestions and directives concerning access, handling, storage, inspection, inventory, cleaning, conserving, labeling and exhibition of archaeological, anthropological and ethnological artifacts.

### **Publications Resulting from Use of Collections**

Documents generated from the use of the collections must be approved in writing by the collection owner, i.e., the Center Board of Trustees or contracting agency/owner, before publication. The Center and collection owner must be credited in all publications. Publications

include printed, electronic and digital documents, videos, photographs, and recordings. A copy of the publication is requested for the Center Research Library.

**Physical Transfer of Collections**

The collection owner/agency is responsible for the physical transfer of collections or objects to the Center for accession, loan or curation unless otherwise specified in the conveyance documents.

Accessioned or curated collections may not be physically removed from the Center for any reason without the written permission of the collection owner, i.e., the Center Board of Trustees and, if applicable, the contracting agency/owner.

## References

The Curation of Federally-Owned and Administered Archaeological Collections (36 CFR Part 79)

Native American Graves Protection and Repatriation Act (NAGPRA)

State of California Guidelines for the Curation of Archaeological Collections (1993)

San Diego Archaeological Center Institutional Code of Ethics

San Diego Archaeological Center NAGPRA Policy;

San Diego Archaeological Center Recommended Minimum Curation Strategies

San Diego Archaeological Center Underdocumented Collections Acceptance Policy

National Park Service *Museum Handbook*, Part I, Museum Collections

# **SAN DIEGO ARCHAEOLOGICAL CENTER**

## **Appendix A to Collection Management Policy Under-Documented Collections**

**Amended March 14, 2006**

The Board of Trustees of the San Diego Archaeological Center has adopted the following policy in regards to under-documented collections offered for accession.

WHEREAS, the San Diego Archaeological Center preserves prehistoric and historic archeological artifacts for scientific research, cultural use and education in the public interest; and

WHEREAS, under-documented artifacts play an important role in public understanding of the need to protect archaeological resources; and

WHEREAS, artifacts are the primary resource for generating the scientific knowledge necessary to understand past life ways, preserve cultural history and complete mitigation of the loss of archaeological resources as mandated by law; and

WHEREAS, artifacts collected in the past may represent sites and cultures that have since become inaccessible, and for purposes of preserving existing sites it is desirable to make maximum use of already-collected artifacts; and

WHEREAS, laws have been adopted at various times in various jurisdictions restricting collecting of artifacts, and many of these laws have not been well-known to the general public leading to confusion over compliance with such laws and documentation of such compliance; and

WHEREAS, many members of the general public and individual scientists have collected artifacts in both the distant and recent past that are not now well-documented with respect to the various permits that may have been required at the time of collecting, yet their collections are well-documented in terms of the time and place of collection and are highly valuable for research and cultural use; and

WHEREAS, many amateur collectors or their heirs now wish to donate their collections to the San Diego Archaeological Center; and

WHEREAS, the San Diego Archaeological Center is a nonprofit institution interested in accessioning artifacts for research, cultural and educational purposes, but in many cases both donor and potential recipient are concerned about the legal issues that might cloud title to the specimens or bring legal risk to the donor or recipient; and

WHEREAS, it is a logistical burden to retroactively research the permits that might have been needed at the time and place each artifact was collected and some collectors may destroy valuable artifacts in order to avoid this burden; and

WHEREAS, the San Diego Archaeological Center recognizes that removing these artifacts from general circulation would decrease the market in antiquities and objects of cultural value for sale; and

WHEREAS, the San Diego Archaeological Center desires to promote the best use of existing artifacts in the public interest, to see that the artifacts are not lost to science, cultural use and education and to promote compliance with existing laws.

NOW, THEREFORE, the San Diego Archaeological Center has adopted the following policy regarding the acceptance of under-documented prehistoric and historic archaeological artifacts:

### **Procedure**

The following procedure must be followed by parties wishing to donate archaeological artifacts to the San Diego Archaeological Center:

1. Artifacts presented for accession must have at least minimal data associated with them, including the date or period when the artifacts were collected and legitimate evidence of ownership rights. Donor must certify in writing the ownership and origin of such artifacts.
2. The donor must be willing to sign a Deed of Gift transferring ownership rights to the San Diego Archaeological Center.
3. The artifacts must be placed physically in the possession of the San Diego Archaeological Center within 30 days. All shipping costs associated with the transfer must be paid by the donor.
4. Once the artifacts are in the possession of the San Diego Archaeological Center, they may not be placed on loan back to the donor. Artifacts accessioned into the permanent collections of the San Diego Archaeological Center will be made available for scientific, cultural and educational uses.

### **Limitations and Restrictions**

The following limitations and restrictions apply to donations made under this agreement:

1. This policy applies only to artifacts collected before 1990.
2. This policy does not apply to artifacts taken in disregard or violation of existing federal, state and local laws pertaining to cultural materials, including the Native American Graves Protection and Repatriation Act (NAGPRA), California NAGPRA, Endangered Species Act, international treaties regulating the transfer of cultural material, and any other laws pertaining to the protection of natural, historic or prehistoric resources.
3. Commercial antiquities or art dealers may not act as donors under this policy. For the purpose of this policy, commercial dealer means any person or entity who either actively, incidentally or otherwise engages in the sale, resale, trade, or barter, the offering for sale, resale, trade, or barter, or the actual or intended distribution or transfer in the pursuit of gain or profit, of any prehistoric or historic archaeological artifacts.

4. Persons, businesses, and organizations that are the subject of investigation involving offenses described in Chapter 27 of Title 18 of the United States Code (U.S.C.), including smuggling, as defined in 18 U.S.C. § 545, may not act as donors under this policy.
5. Donors must be private individuals or representatives of institutions that do not maintain permanent collections of archaeological artifacts.
6. The donor may receive no benefit, financial or otherwise, from the San Diego Archaeological Center as a result of the transfer. The Center will not provide any valuation, assessment or other documentation to establish value and shall not provide any tax type receipt to donor.
7. Donation of artifacts under this policy does not grant legal immunity to any donor for prosecution of any violation of the law and donor must sign an acknowledgement of same.
8. The San Diego Archaeological Center Board of Trustees has the right to accept or refuse any collections/object(s) as they see fit.