

ual:

Archives, Museums and Special Collections

Acquisition Policy

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1. Introduction and purpose

- a. This policy covers archive, museum and special collection acquisitions across the University of the Arts London and its six constituent colleges
- b. The policy ensures all collection acquisitions are compatible with the University's mission, values and strategy (especially research, teaching, learning and enhancement, and the inspirational environment)
- c. The policy defines the guiding principles for collection acquisitions, and sets out a series of clear policy statements to guide decisions and procedures

2. Guiding principles

- a. The acceptance of collections under this policy will be compliant with the UAL Ethics and Acceptance of Gifts Policy, endorsed by UAL Court of Governors in November 2017. (Appendix A). In summary:
 - there must be clarity as to the source of the collection
 - any conditions attached to the acquisition of the collection are not excessively onerous or threaten to compromise the University's intellectual independence and academic integrity
 - there is a low risk of reputational damage from accepting the collection
 - the University's relationships with other benefactors, partners, students and supporters would not be harmed
 - there are no conflicts of interest, actual or perceived, arising with regard either to the donor or the University
- b. Collections will be acquired to clearly align with the criteria, priorities and themes outlined in the university and colleges' more detailed collection development policies (Appendix B)
- c. UAL will comply with all UK laws relating to collections, and work within the relevant sectoral collections management standards and ethics concerning acquisitions
- d. Donations will be managed using formal gift agreements in consultation with UAL Legal Services following assessment of risk and completion of due diligence

3. Policy statements

- a. Acquisition may be by donation, purchase or bequest. It is strongly recommended to prefer acquisition over loan, e.g. permanently obtaining full title, and also intellectual property rights where possible or IPR licensing for UAL use. Any proposed loan longer than one year's duration must be agreed in advance by the UAL Archives, Museum and Special Collections Advisory Board
- b. Any sensitive material (including archaeological; explicit or sensitive material; biological; human remains etc.) will only be acquired in accordance with cultural and heritage sector guidelines and regulations (Appendix B)
- c. UAL is committed to open access to collections, taking into account the Data Protection Act 1998 and the Freedom of Information Act 2000 and the requirements of GDPR
- d. UAL is committed to transparency in its acquisitions process
- e. Any deaccessioning or disposal will only take place within the guidelines of appropriate sectoral bodies (Appendix C). See also the Deaccessioning and Disposals Policy.
- f. UAL will include in all acquisition decision-making an awareness of constraints and risks such as space, condition and resources to support the acquisition of physical or digital materials.

- g. Acquisition decisions are taken by individual collections and colleges except in the following circumstances; acquisitions valued at £100,000 or above, larger than 15 linear or 50 cubic metres, or presenting notably sensitive or controversial issues (legal, ethical or practical) must be agreed by the UAL Archives, Museum and Special Collections Advisory Board.
- h. Acquisition of digital materials will be discussed with the Digital Preservation and Access Manager prior to agreement, to understand the condition, extent and preservation requirements of the materials. 
- i. The acquisitions policy is supported by a procedure outlined in Appendix D.

4. Authority

Agreed May 2018 by the UAL Archives, Museums and Special Collections Advisory Board

Review every 3 years: [18th May 2021]

5. Version Control

Version 1: 2018 Drafted by Angela Doane (Acting Head of CSM Museum), Judy Willcocks (Head of CSM Museum), Susanna Cordner (LCF Archives), Sarah Mahurter (Manager, ASCC), with advice from Lee Rodwell (Director of Development)

Version 2: 2021 revised by Sarah Mahurter (Manager, ASCC)

Appendix A: Policy and Procedures for the Acceptance of Gifts and Donations

1. Introduction

University of the Arts London recognises that fundraising is a vital tool in helping us to achieve our strategic objectives for the ultimate benefit of our students. However, it is vital that fundraising activities are conducted in a manner which is in accordance with the university's ethical standards and which does nothing to detrimentally affect UAL's reputation. To this end, the university and all its employees have a duty to ensure that appropriate due diligence is undertaken prior to the acceptance of any significant gift or donation.

All members of UAL engaged in fundraising activities must follow this policy and associated procedures. Where those concerned do not ordinarily undertake fundraising activities as part of their main responsibilities it is highly recommended that they liaise with the Development department at the earliest possible stage to ensure compliance with this policy and associated procedures. Anyone engaged in fundraising on behalf of UAL must demonstrate the highest standards of ethical conduct, probity and professionalism.

The ultimate responsibility for the acceptance of significant gifts and donations rests with the Court of Governors. In exercising this responsibility the Court will be advised by the Executive and by its Ethics Committee. The Court has also approved certain delegations which are specified below. In reaching its decisions (in cases reserved to it) as to whether or not a gift or donation should be accepted the Court will take into account the best interests of the University and its decision is final.

This policy applies to gifts and donations; in the case of research grants the procedures set out in the University's Financial Regulations and Research Ethics Policy must be followed. The Research Ethics Sub-Committee may also have a role to play. Similar ethical issues arising from sources of funding or the placing of commercial contracts may arise which may need consideration by the University Ethics Committee.

2. General Principles

As an institution dedicated to first-class education and research in art, design and communications, University of the Arts London carefully guards its intellectual independence, academic integrity and excellent reputation. UAL welcomes financial support from a wide variety of sources with the condition that gifts, including sponsorship and commercial ventures, must always support the University's mission and strategies and align with its values and purposes.

Before accepting gifts and donations, the University must be assured that:

- the gift and any conditions attaching to it are compatible with the University's mission, values and strategy;
- there is clarity as to the source of the funds;
- the proposed gift does not arise, in whole or in part, from activity that is illegal or unlawful;
- any conditions attached are not excessively onerous or threaten to compromise the University's intellectual independence and academic integrity;
- there is a low risk of reputational damage from accepting the gift;
- the University's relationships with other benefactors, partners, students and supporters would not be harmed;

- no conflict of interest, actual or perceived, arises with regard either to the donor or the University.

The University does not accept gifts and donations from current or prospective students or from any person or organisation who or which may be seeking or perceived to be seeking an inappropriate benefit or advantage for themselves or others as a result of making a donation (such as the expectation of academic advantage in either selection or assessment for a family member).

A donor may request confidentiality or anonymity. This is acceptable in respect of any publicity but the identity of the donor and the source of funds must be known to the University.

A gift once made and accepted is not returnable, except by the discretion of UAL in specific eventualities (such as a failure to achieve the outcomes a gift is intended to support or due to ethical concerns as outlined in this policy).

At the discretion of the University donors may be required to sign a formal gift agreement with the University as a condition of acceptance of the gift/donation.

Save in the most exceptional circumstances to be agreed by the Court, honorary degrees or similar honours are not awarded to donors or benefactors as a result of donations to the university. Where someone who donates to the university, at any level, is a recipient of an award they must fully meet the normal criteria for such awards. Awards will never be made with the purpose of soliciting donations or in recognition of donations.

UAL welcomes reasonable donor involvement in its work but donors cannot have undue influence or power of veto over University activities.

All gifts and donations must be accounted for and administered in strict accordance with the University's Financial Regulations.

3. Fundraising Procedures

Operational responsibility for fundraising rests with the Vice-Chancellor and the Executive Board. Day-to-day responsibility is delegated by them to the Director of Development and his/her staff; such staff are expected to adhere to the relevant professional codes such as the Ethical Principles adopted by CASE and the Codes of Practice of the Institute of Fundraising.

Any other person who is either approached by a prospective donor or is considering making an approach to a donor **must** at the earliest opportunity inform the Director of Development of such and follow such advice and guidance as the Director of Development or his/her staff may give. This notification will ensure that appropriate due diligence can be undertaken on sources of funding and any approaches are appropriately co-ordinated so as not conflict with other fundraising activities or priorities across UAL and, on occasion, those of our partners.

The delegations listed below specify who has authority to accept or refuse gifts and donations; all gifts and donations which are judged by the Vice-Chancellor or Court of Governors to need further consideration and ethical review will be referred to the Ethics Committee and ultimately to the

Court of Governors for final decision. Other persons are not authorised to accept gifts and donations on behalf of the University under any circumstances.

4. Delegations

The Court of Governors has agreed the following delegated authority in respect of the acceptance of gifts and donations:

Up to £100,000	Director of Development
£100,000- £250,000	Director of Development in consultation with the relevant Pro-Vice-Chancellor/Deputy Vice-Chancellor
£250,000 - £1,000,000	Vice-Chancellor
Over £1,000,000	Ethics Committee
Over £2,000,000	Court of Governors

An annual report on fundraising will be made to the Court, having been reviewed by the Ethics Committee, which details: a) all gifts and donations of over £100,000 which are accepted under delegated powers and b) all gifts of any size which are rejected under delegated powers. Ultimate responsibility for the operation of all these procedures rests with the Court of Governors and these limits may be reviewed by the Court of Governors at any time.

5. Due Diligence

Due diligence with regard to donations for charitable activities is defined by the Charity Commission as “the range of practical steps that need to be taken by trustees in order to be assured of the provenance of charitable funds and confident that they know the people and organisations the charity works with, and able to identify and manage associated risks.”¹

It is impractical to expect that every donation of any size made to UAL should be subject to due diligence checks. The Charity Commission guidance recognises that “as a guiding principle, the greater the risks, the more charity trustees have to do to ensure and to demonstrate that they have discharged their duty of care and other legal duties” and acknowledges that reasonable factors to consider when making this decision include the amount of money concerned and the costs of administering due diligence checks.

Acknowledging this guidance, the University will conduct due diligence checks on prospective donors in relation to:

- a) **all** proposed donations of £10,000 or greater; or
- b) a proposed donation of less than £10,000 if there is any other reason for the prospective donor to be considered ‘high risk’ by the staff member responsible for the fundraising activity or any other UAL representative. Factors which might constitute a ‘high risk’ status include, but are not limited to, the following: individual is a national or resident of/organisation is located in a country with a public record of human rights abuses or money laundering activities; significant negative publicity associated with the individual, organisation or their known associates; a record of criminal activity.

¹Charity Commission for England and Wales, *COMPLIANCE TOOLKIT: PROTECTING CHARITIES FROM HARM, Chapter 2: Due diligence, monitoring and verifying the end use of charitable funds:* https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550687/Chapter_2.pdf

Note that due diligence checks are essential upon first receipt of a donation meeting the above criteria and should be judged on a case-by-case basis on all future donations from the same individual/organisation.

Due diligence involves ensuring in all cases that there is: clarity about the source of funds; that the donation does not conflict with the University's Ethics Policy; or raise issues of reputational risk to the University or which could in any other way be damaging to the University.

In the majority of cases it is to be expected that no such issues will arise; where they do it is absolutely essential that the most careful evaluation and judgment is made in accordance with the delegated authorities outlined above. Wherever possible, due diligence should be carried out prior to the solicitation of a gift rather than at the stage of acceptance.

It is the responsibility of the Director of Development to ensure that due diligence is carried out and appropriately documented in respect of all gifts and donations meeting the criteria outlined above. It is therefore the responsibility of all those soliciting donations to notify the Director of Development at the earliest possible opportunity. Where additional assistance is required, this may be obtained from the Director of Finance and/or from the University's internal auditors.

Due diligence checks are conducted in accordance with relevant data protection standards and may be reviewed on this basis as any changes to such legislation demand.

6. Review of Previous Decisions

The University reserves the right to review decisions to accept a gift or donation taken in good faith and to repudiate such where subsequent events or new information justify it.

7. Donor Charter

The relationship between the University and its donors is set out in the Donor Charter.

Appendix B: Guidelines on creating a Collection Development Policy

Currently, UAL has archive, museum and special collections Collection Development Policies approved by accreditation at the CSM Museum and the University Archives and Special Collections Centre. Other local variations on the Library Services Policy also exist and can be made available.

Writing a Collections Development Policy

Arts Council England's Accreditation Standard for museums and The National Archives' Accreditation Standard for archives require the organisations they support to have a Collections Development Policy outlining the collection's general purpose and areas in which it hopes to expand.

The benefit of a Collections Development Policy is that it allows you to think through your collection's aims and objectives and collecting ambitions in line with institutional strategy. This can be achieved ahead of offers, without the pressure of considering items for donation or acquiring them through sale, when there is often a time pressure on the decision. The collection manager then has a framework for how to proceed.

A Collections Development Policy might usefully include:

Statement of purpose: a short statement outlining the collection's reason for existing and the story you are trying to tell.

Key aims: three or four things you hope to achieve by continuing to collect and providing access to that material.

An overview of current collections: short statements about the different areas represented in your collection.

Themes and priorities for future collecting: a list of areas you wish to proactively collect (this must be linked to your core story and statement of purpose).

Themes and priorities for rationalisation and disposal: a list of areas where material is duplicated, items that are beyond repair and material that doesn't fit with your core story.

A list of other museums and archives collecting similar material: This helps to avoid competition for items and ensures that things wind up in place they will be most usefully accessed by users. In the first instance this list might usefully include other UAL collections. It can also be aligned to the list of collections that have been offered to different UAL colleges by potential donors who have not understood our governance.

Appendix C: Guidelines on ethical review

1970 - United Nations 'Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership and Cultural Property'

1995 – UNIDROIT 'Convention on Stolen and Illegally Exported Cultural Objects'

2004 - Human Tissue Act

2007 – United Nations 'Declaration on the Rights of Indigenous Peoples' (articles 11 and 12 deal with repatriation)

ICOM Code of Ethics http://icom.museum/fileadmin/user_upload/pdf/Codes/ICOM-code-En-web.pdf

Museums Association Code of Ethics <http://www.museumsassociation.org/ethics/code-of-ethics>

CILIP Code of Ethics (under review, 2017)

Appendix D: Disposal Guidelines

The UAL Deaccessioning and Disposal Policy for Archives, Museum, Art and Special Collections was approved by the Archives, Museum and Special Collections Advisory Board in June 2019. It is available from s.mahurter@arts.ac.uk

Useful guidelines provided by sector bodies include:

Museums Association <http://www.museumsassociation.org/collections/disposal>

Chartered Institute of Library and Information Professionals Rare Books and Special Collections Group <https://www.cilip.org.uk/rare-books-and-special-collections-group/policy-statements/disposals-policy-rare-books-and>

Arts Council England <http://www.artscouncil.org.uk/supporting-museums/disposal-collections>

The National Archives <http://www.nationalarchives.gov.uk/documents/Deaccessioning-and-disposal-guide.pdf>

Appendix E: UAL Acquisition Process Workflow

1. Consider the offered object/collection in relation to your collecting policy. Does it relate to an identified theme/gap?

2a. Consult relevant members of UAL staff who have relevant practice or expertise (e.g. academic or technical specialism). In their opinion, would this new acquisition have merit for their teaching, learning and research, and for the development of the collection?

2b. IF NO TO QUESTIONS 1 & 2

- Please politely decline the acquisition. If necessary, explain that the offer does not fit the institutional collection policy.
- Where helpful, please advise on other collections the enquirer might contact and pass the offer on to other UAL collection managers.
- Please also make a record of the offered donation for future reference in the shared file space (S:\Archive and Special Collection (COP)).
- For additional support on saying no to offered donations, please refer to advice supplied by UAL's Development Department.
- If the potential donor is interested in UAL, please request permission to pass contact details to the Development Department.

2c. IF YES TO QUESTIONS 1 & 2 - Please continue to question 3.

3. With reference to your collection's existing physical environment and resources, please consider practical considerations including projected storage, maintenance and usage. If, having considered these points, you would like to continue with the acquisition, please progress to Question 4. If you would like to terminate the process, please return to 2b.

4. With reference to advice provided by UAL's Development and Legal teams, please complete Due Diligence in relation to the prospective acquisition. If you are satisfied that there are no issues (i.e. in terms of provenance), then please continue to Question 5. If any issues are identified during due diligence, please return to 2b to politely decline the acquisition and, if relevant, notify the Development and Legal teams.
5. If the prospective acquisition is a donation, please establish the terms of acquisition and value the collection/objects. If you approve these terms, please proceed to Question 6. If you do not approve the terms, please return to 2b.
6. If the prospective acquisition has a value of over £100,000, larger than 15 linear or 50 cubic metres or if it could be considered to be of a particularly sensitive nature, please present it to the Archives, Special Collections & Museums Advisory Board for approval. If this stage does not apply or if the Board has approved the acquisition, please proceed to Question 7. If the Board does not approve the acquisition, please return to 2b.
7. If you have completed all of the above and are happy to continue with the acquisition, then please proceed to prepare the appropriate documentation. For LCF Archives, you will need to contact your Contracts team and complete a questionnaire in order for them to draw up a contract with UAL's legal team for you to share with the acquisition source. All other UAL collections can contact UAL's legal team directly to draw up the required documentation.
8. With the assistance of the UAL Legal team, please establish the IPR situation in relation to this acquisition and note this in the records. Are you able to acquire the IPR from the acquisition source or from a known third party?
9. Once all completed documentation and the object/collection has been received, please write to thank the acquisition source on behalf of the university and log the completed acquisition in your records. Please liaise with the Development Department to decide whether a separate approach from them is necessary.