

Abstract

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Museums face increasingly difficult challenges in collecting and borrowing -- challenges which must be dealt with consistent with recognized best practices. The risks associated with collecting and borrowing art and cultural objects are growing in light of new laws, administrative actions, court decisions, stricter professional ethical guidelines, and increasing scrutiny, including claims and litigation. These challenges may not be new, but as they grow, they place demands on museums to attend to basics, such as, board education and setting and following appropriate policies and procedures, as well as, to search for new solutions.

As an introduction to the later panels' detailed consideration of the specific risks of building and maintaining collections and of borrowing, particularly international loans, this session will examine rules of governance of nonprofit museums, how those rules apply to board members and museum staffs and how museums address these issues.

Museum trustees (and the staffs advising them) must be mindful of the underlying duties of board members (care, loyalty and obedience) and of AAM dictates to function with transparency and accountability. As decision-makers for self-governing institutions functioning in a largely unregulated environment, trustees bear ultimate responsibility for ensuring that their institutions conform to their mission and operate within the law and at high ethical standards. To do so, museum trustees must be knowledgeable about the law and current museum association guidance; they must also establish and enforce appropriate policies addressing these issues in the unique situation of their own institutions.

Governance over collections matters includes two necessary steps for the board --setting policy and then ensuring implementation of established policy by exercising meaningful oversight. In the process of establishing policy, the board must rely on professional staff to guide them, but also educate them sufficiently to make prudent decisions. This panel discussion will explore the legal and ethical responsibilities of museum trustees, the role of professional staff, and the relationship of donors and the public generally in connection with building and maintaining a collection.

Issues considered will include the level of education and information trustees require to fulfill their obligations, how museums educate their trustees in a changing and volatile environment, and how museums establish and enforce appropriate policies and procedures. Representatives of three very different Chicago museums will address how these problems have been understood and addressed in their institutions. They will consider, for example, such questions as how each institution identifies and defines the issues it faces in acquiring objects, maintaining collections, deaccessioning and borrowing? How does each institution define the roles of board and staff in identifying and minimizing risk? Is board education common or are boards typically overly dependent on staff? How do museum boards alert professional staff to the risks trustees perceive? What specific steps do museums take to minimize risk? How do museum boards oversee their professional staff on collections-related issues? Do museums have written, established acquisition and deaccession policies or does decision-making tend to be

more ad hoc? Do museum boards review all acquisitions and deaccessions or only selected ones? How do museums maintain the balance between collecting and carrying out the museum's educational mission? Through consideration of such questions as these, the first panel will provide the legal, ethical and practical context for the day's exploration of the specifics concerning the growing collections-related challenges facing museums and possible solutions.