

**ARCHIVES AND SPECIAL COLLECTIONS
COLLECTIONS MANAGEMENT POLICY**

TABLE OF CONTENTS

1. Mission Statement	2
2. Statement of Purpose	2
3. Scope of Collections	2
4. Oversight and Authority Structure	4
A. Board of Trustees	4
B. University President	
C. Archives and Special Collections Committee	5
D. Staff Responsibilities	6
E. Organizational Chart	7
5. Collections Policies	8
A. Acquisitions and Accessions	8
B. Deaccessions	9
C. Loans	12
D. Documentation	15
E. Inventory	18
F. Risk Management	19
G. Access	21
H. Collections Care	24
I. Specific Legal and Ethical Issues	26
1. Intellectual Property Rights	
2. Cultural Property Rights	

1. Mission Statement

The mission of the Freed-Hardeman University Archives and Special Collections is to collect, preserve, manage and exhibit records and material culture related to the history and activities of Freed-Hardeman University from 1869 to the present for the benefit of the public.

2. Statement of Purpose

The Freed-Hardeman University Archives and Special Collections is a division of the Loden-Daniel Library and it functions as the repository of artifacts and records that document the activities and influence of the University and its various incarnations since its inception in 1869. The University Archives and Special Collections contains—but is not limited to—architectural and archaeological fragments, archival records, audio-visual materials, collections of papers, decorative arts, ephemera, oral history collections, photographs, and works of art.

In 1963, with the appointment of C.P. and Grace Roland as the Curators of the Historical Room, the University demonstrated its recognition of the importance of the collection and preservation of its historical records and objects. Since that time, various caretakers have been given oversight and direction of the Collection. Each person in this capacity has followed his or her own approach to collections management. This policy document seeks to bring the Archives and Special Collections in line with the current best practices of archives and museum collections management and to set forth policies that are intended to serve as long-term guides to the management of all University-related archival and historical resources.

3. Scope of Collections

Defining the range of collections held by Freed-Hardeman University is useful in that it defines acquisition opportunities, allows selective disposal of superfluous holdings, assists in identifying and cultivating donors, identifies research

opportunities, and provides flexibility in meeting the mission statement of the Archives and Special Collections.

The Freed-Hardeman University Archives and Special Collections collects archival materials, architectural and archaeological fragments, documents, photographs and other forms of material culture and reference materials that support the stated mission of the Archives and Special Collections. Original objects shall receive primary attention when the University is presented with an acquisition opportunity. Reproductions may only receive primary attention when the original object is not available, or its acquisition cost or preservation needs are prohibitive.

These are the categories of materials that will be collected by the University:

- Objects and documents related to the buildings, campuses, and physical plants owned by Freed-Hardeman University.
- Objects and documents associated with present and past members of the student body, faculty, and staff.
- Objects and documents generated by employees and current students related to University functions, including—but not limited to—admissions materials, public relations materials, audio and visual footage of campus activities and events and manuscripts published by the University.
- Objects and documents associated with Freed-Hardeman University's role in the history of the churches of Christ.
- Objects and documents associated with Freed-Hardeman University's role in local, state and national history.
- Objects and documents associated with the City of Henderson and Chester County Tennessee.
- Objects and documents of significant historical value, representing a unique collection opportunity for the University.

Materials held by the Freed-Hardeman University will be divided into the following collections:

- **Archaeological Collection**—Includes any item extracted from land owned by the University by means of subterranean excavation, surface survey or field collection. Such items, regardless of the nature of the discovery, are property of the University, and will be treated as such. These artifacts are primary sources, and may be used for exhibition or research purposes, depending on their physical condition.
- **Architectural Collection**—Includes architectural fragments obtained from buildings owned by the University. These items may be acquired during building renovations or field collection. Such artifacts are primary sources, and may be used for exhibition or research purposes.
- **Archival Collection**—Includes audio-visual materials, documents, and photographs that record the history and activities of Freed-Hardeman University and its predecessors and the community. The purpose of this collection is to preserve such records and serve as a central repository. It may be accessed by members of the Freed-Hardeman University community, scholars, the general public, and anyone interested in researching the history of the University and community.
- **Historic Artifact Collection**—Includes three-dimensional objects, such as historic furniture, sports equipment, social club memorabilia, clothing, ephemera and art works, that are integral to the history and role of the University and the community. Such items, held by the University for the public trust, shall be preserved and exhibited in order to interpret historic activities for the benefit of the community. Such items may be used following specific guidelines in interpretive programs.

4. Oversight and Authority Structure

A. Board of Trustees

The Freed-Hardeman University Board of Trustees is responsible to the public for all holdings and operations of the University. Broad powers to authorize and

influence the management of the Collections are given by the Trustees to the University President, although Board approval is required for the following aspect of collections management:

- Approval of acquisitions that are both unique and require a significant financial investment by the University that has not been budgeted for.

B. University President

The Board of Trustees has authorized the University President to render decisions and administer policies regarding all aspects of University business, including the Archives & Special Collections. In addition to approving the hiring of staff to manage the Archives & Special Collections, the President must authorize:

- Purchase of an object or document requiring an expenditure of \$5,000 or more
- Deaccession and disposal of any item in the collection
- Loans of items in the Archives and Special Collections valued at \$10,000 or more
- Diversion of funds realized from disposal or insurance claims to a purpose other than acquisition or restitution of collection items.
- Exceptions to general practices as specifically authorized in the Collections Management Policy
- Revision of this Collections Management Policy

Any collections management function requiring the signature of the University President will follow the chain of command outlined in the University's organizational structure.

C. Archives and Special Collections Committee

A Committee will be appointed to serve in an advisory role to the Archives and Special Collections' activities. Committee members will serve on a voluntary basis, for a set term, and members will reflect all constituencies of the University. The Committee will review semi-annual reports submitted by the Archivist. The

Committee will consider any recommendations made by the Archives and Special Collections staff which need Presidential or Board approval and may send the recommendation as accepted or amended by the committee, together with its own recommendations. The final decisions of the Committee must be approved by the President.

Under unusual time constraints when Board approval is required, the staff will inform the chairman of the Committee who will call a special committee meeting or poll the members by email or telephone. The staff would submit all relevant information in writing to the Committee, who will render a recommendation to the President. The President will serve as mediator to the Board of Trustees. If a decision is needed sooner than the next full meeting of the Board, the Board Chairman may arrange to poll the board by email or telephone.

D. Staff Responsibilities

The staff of the Archives and Special Collections is authorized to accession objects and documentary materials, and to arrange for loans to the University in fulfillment of this Collection Policy. The staff may acquire objects or documentary materials by:

- a. Accepting donations or bequests
- b. Purchasing objects or documents if funds are available
- c. Accepting items offered for loan
- d. Propagating records and documentation

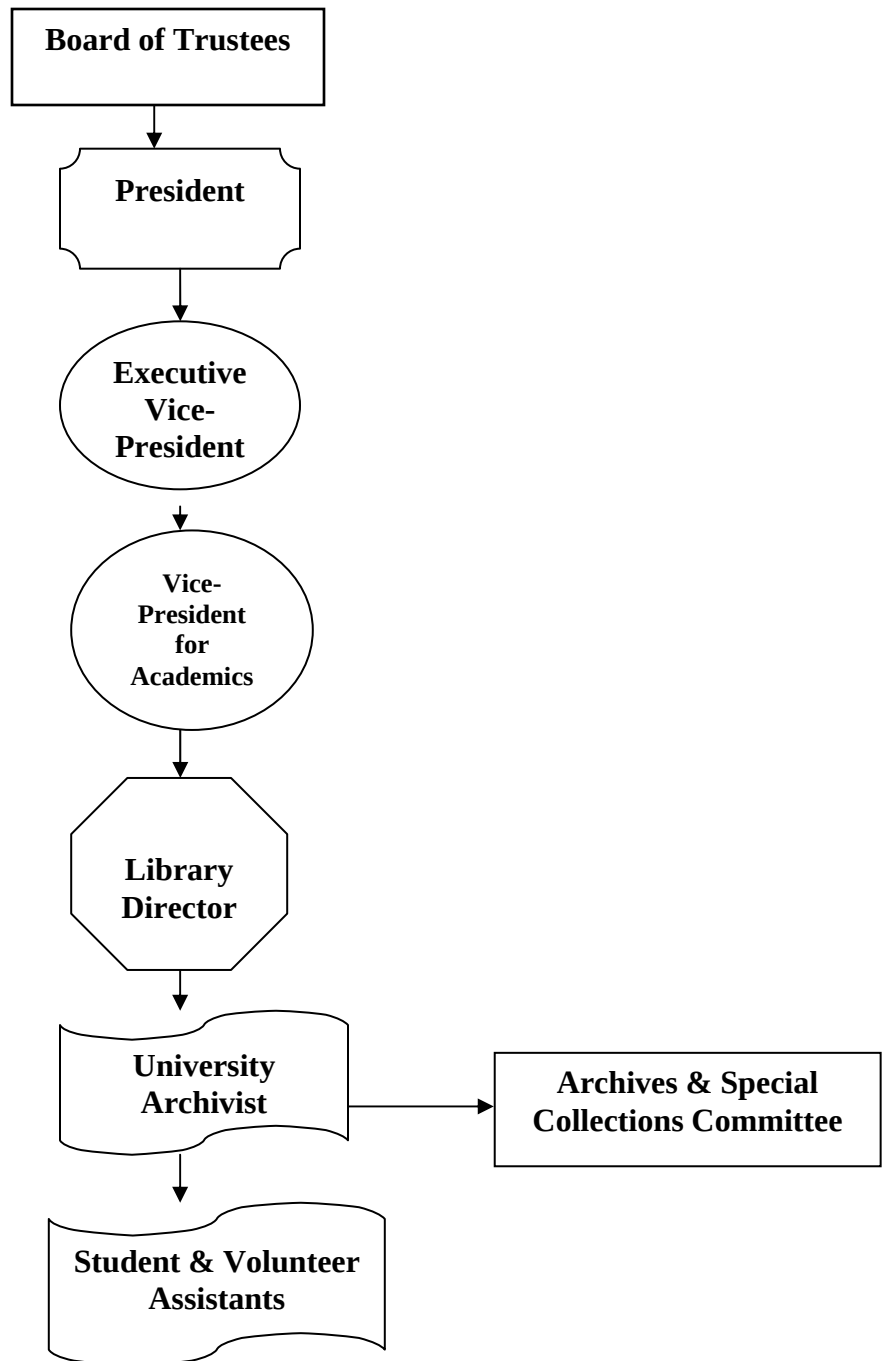
It is the responsibility of the staff to determine that the purchase price of an object or document is reasonable according to current fair market value.

If the Archives and Special Collections staff decides to accept a gifted item for the collections it will present a written recommendation to the Gift Acceptance Committee, in compliance with University Policy 1.5.10, Non-Cash and Deferred Gifts.

As a matter of course, the staff will submit written semi-annual reports to the Archives and Special Collections Committee. Each report shall notify the Committee of:

- Accessions to the Collection—Description; condition; manner of acquisition (purchase, bequest, gift or exchange); cost; reason for acquisition
- Deaccessions from the Collection—Description; condition; reason for deaccession; method of disposal; the amount realized on the object or the result of any exchange
- Incoming or Outgoing Loans—Description of the loan including condition of item; specific details and restrictions regarding items; source of the loan; destination of the loan including protective procedures and restrictions; reason for loan; methods of shipping, insurance and any other pertinent information; value of objects on loan
- Objects or documents in temporary custody of the University
- Special conservation needs of the Collection
- Any other issues of potential concern to the Board, President, or the Committee

E. Organizational Chart of Freed-Hardeman University



5. Collections Policies

A. Accessions and Acquisitions

1) Definitions

Freed-Hardeman University acquires and accessions historic artifacts and archival materials. **Acquisition** is the act of gaining legal title to a collection item or group of items. **Accessioning** is the formal process used to legally acquire a collection item or group of items into a permanent collection, and record or document the addition into the permanent collection.

2) Principles

The Archives & Special Collections is the designated repository of historical artifacts and archives of Freed-Hardeman University. The acquisition of collection items is a fundamental task, and crucial to fulfilling the stated mission of the Archives and Special Collections. Objects and documents are acquired principally through bequest, exchange, field collection, gift, transfer, propagation, and purchase. All items, regardless of the method of acquisition, are held for the benefit of the public trust. The legal and ethical possession of objects and documents must be of the highest priority. Objects and documents owned by the University are intended for research, education, and exhibition. The Archives and Special Collections will strive to adhere to all legal, ethical, and professional guidelines outlined by American Association of Museums and Society of American Archivists.

3) Policy

The following list outlines the Archives and Special Collections' policies regarding acquisitions and accessions:

- a. All historical artifacts and archive materials held by the University are to be turned over to the management of the Archives and Special Collections. No other campus department or office may serve as the repository of historic materials without approval of the University President.
- b. The Archives and Special Collections will seek to acquire those items that complement its stated mission.

- c. All acquisitions must meet all local, state, federal, and international laws, treaties, and regulations, including those laws regarding the international exchange of antiquities and repatriation laws.
- d. Provenance will be adequately established before the Archives and Special Collections acquires any object or document.
- e. As the official repository of Freed-Hardeman University, the Archives and Special Collections will not purchase records generated by University resources related to University business and activities.
- f. Loss of reputation in the public trust is unacceptable. Therefore, the Archives and Special Collections will not acquire any object or document that may be construed as a conflict of interest.
- g. All acquisition procedures must be transparent and prudent.
- h. All acquisitions will be provided the requisite level of care, security, insurance, access and oversight.

4) Implementation

In order to implement policies outlined above, the following steps are required:

- a. The Archives and Special Collections will compile a document detailing procedures for fulfilling the policy requirements listed in Part 3 of this section.
- b. The Archives and Special Collections will compile a prioritized Collection Plan to help guide acquisitions decision making.
- c. The Archives and Special Collections will outline institutional authority for handling all matters related to the review, approval, and acceptance of acquisitions.
- d. The Archives and Special Collections will collaborate with campus departments where appropriate in determining the value and needs of collections previously held by those departments.

- e. The Archives and Special Collections will research and make applicable all local, state, federal, and international regulations, including antiquities and repatriation laws.
- f. The Archives and Special Collections will review this document every five years to ensure full compliance with evolving legal, ethical, and professional standards.

B. Deaccessions

1) Definitions

Deaccession is the process used to formally approve and record the removal of a collection item or group of items from the accessioned collections. **Disposal** is the act of physically removing a collection item or group of items from a collection. **Repatriation** is the act of removing collection items in accordance with provisions of applicable laws or policies, in order for the item(s) to be returned to representatives of the culture of origin as defined by law. **Sampling and destructive analysis** refers to any of a number of procedures in which collection items, or samples of those, are removed for research, entailing the use of analytical processes that require the destruction of part or all of an item in order to obtain information.

2) Principles

As a general rule, collection items are only obtained by the Archives and Special Collections when there is a good-faith intention to retain the materials indefinitely. Collections are retained as long as they continue to serve the goals and objectives of the University and can be properly maintained and used. Deaccessioning and disposing of collection items is a legitimate function of responsible collections management. Procedures are designed to insure the thoughtful, well-documented consideration of each collection item proposed for deaccession in the long-term interest of the University, the general public, and the item itself. Repatriation procedures are set by law and supersede any policies or procedures of the

University; however, each repatriation is managed on an individual basis. Sampling and destructive analysis procedures are set for the purpose of the reasons mentioned above in the Definitions section.

3) Policies

The following list outlines the Archives and Special Collections policies regarding deaccessions and disposals:

- a. Collection items may only be deaccessioned and disposed of in accordance with established authority and only when consistent with applicable law and professional ethics. Applicable laws will be documented. Due diligence will be exercised in reviewing legal and ethical status. Necessary appraisals will be carried out.
- b. Collection items may only be deaccessioned and disposed of according to the criteria and procedures set forth by the Archives and Special Collection's Collection Management Procedures Manual.
- c. The Archives and Special Collections will deaccession and dispose of items that do not meet the stated scope or mission.
- d. The Archives and Special Collections will deaccession and dispose of items that are beyond the ability of the University to maintain.
- e. The Archives and Special Collections will deaccession and dispose of items that are duplicates, unnecessary, incomplete or unauthentic.
- f. The Archives and Special Collections will deaccession and dispose of items that are hazardous materials.
- g. The Archives and Special Collections will deaccession and dispose of items that were originally acquired illegally or unethically.
- h. The Archives and Special Collections will deaccession and dispose of items that are subject to a legislative mandate, such as repatriation.

- i. The Archives and Special Collections will deaccession and dispose of items that are subject to a contractual donor restriction that the University is no longer able to meet.
- j. The Archives and Special Collections will dispose of items through destruction, exchange, public sale, or transfer.
- k. Collections may not be sold unless proceeds realized from public sales are designated for additional collection acquisitions within the Archives and Special Collections. All sales must be approved in advance by the Archivist and the Committee. Exceptions to this practice must be authorized in writing by the University President.
- l. Routine disposal of deaccessioned items will be conducted by the Archivist, and does not require outside approval. Extraordinary disposals will first be presented to the Archives and Special Collections Committee for review.
- m. Items no longer valuable to the Archives and Special Collections but useful for other repositories or for general educational purposes, will first be offered to the most appropriate repository.

4) Implementation

In order to implement policies outlined above, the following steps are required:

- a. Establish authority and procedures for selecting, approving, and documenting deaccessions of accessioned collection materials.
- b. Establish criteria for managing, approving and documenting the disposal of nonaccessioned items.
- c. Establish criteria for determining routine and acceptable sampling and analytical use of collection items that may involve partial or complete destruction.
- d. Establish protocols for managing the data resulting from destructive analysis.
- e. Establish protocols for assessing repatriation status and for handling claims against the University in such cases.

C. Loans

1) Definitions

Loans constitute the temporary transfer of possession of materials without transfer of title for specific periods of time and specific purposes. An agreement is also made to return the items at a particular time and in a particular condition. The Archives and Special Collections will participate in **outgoing loans**: Under formal agreement, the Archives and Special Collections will temporarily relinquish custody of items for temporary use, on the condition that they are returned to the University at a specific time and in a stated condition. In this exchange, no transfer of title is implied. The Archives and Special Collections will also participate in **incoming loans**: Under formal agreement, the Archives and Special Collections will obtain custody of items for temporary use, where no transfer of title is implied.

2) Principles

Transactions of collection items are integral to the fulfillment of the stated mission of the Archives and Special Collections in that they facilitate research, public exhibitions, and educational programs. Loans of University-owned property are not made to private individuals. Exceptions to this rule must be approved by the University President upon the recommendation of the Archives and Special Collections Committee.

3) Policies

The following list outlines the Archives and Special Collections' policies regarding incoming and outgoing loans:

- a. No collection item can be transacted except in accordance with established authority and only when consistent with applicable laws and professional ethics.
- b. Items are lent for the purposes of research, public exhibition and educational purposes only with a formal written agreement and contract.

- c. All standard loan transactions must be reviewed and approved by the Archivist. Standard agreements must be reviewed by general counsel before use. Non-standard agreements must be reviewed by the Archivist, the Archives and Special Collections Committee and general counsel before use.
- d. All loans are for a specified time period with a specified party, with the option for renewal as appropriate. Permanent or indefinite loans are not permitted. Long-term loans may be set up as appropriate, and will be managed on a case-by-case basis. Loaned items may never be forwarded to a third party without the prior written approval of the owner.
- e. Methods of access to borrowed collections must be stipulated in the transaction agreement.
- f. Regardless of the length of the loan, the Archives and Special Collections maintains fiduciary responsibility for the oversight of its collections.
- g. The Archives and Special Collections acknowledges its responsibility to provide appropriate physical safeguards for borrowed collections items in its custody, for the full term of the transaction agreement.
- h. Items left in the temporary custody of the Archives and Special Collections will be treated as incoming loans and documented as such.
- i. Items given as promised gifts to the Archives and Special Collections will require the recommendation of the Committee, and upon the Committee's recommendation will be treated as incoming loans. They will not be accessioned until which time the promise is fulfilled.
- j. At the time of the loan, the Archivist and the lender will negotiate responsibility for any expenses incurred as a result of the transaction.

- k. Loan requests may be denied if one or more of the following conditions exist:
- The requestor cannot provide proper facilities or fulfill routine preservation requirements
 - The requested item is unique and irreplaceable
 - The requested item is in such a condition that loaning it would place it in jeopardy
 - The requestor has previously violated terms of a loan, including handling, transfer or return requirements
 - Items requested are subject to repatriation
 - In the judgment of the Archivist, the loan would compromise privacy, safety or intellectual property rights
 - Inordinate cost to satisfy the request
- l. Sampling or destructive analysis may not be performed by the borrower of any University-owned item.
- m. Old loans to the University which have expired, but for which the lender cannot be located may be acquired by the University. In order to satisfy legal requirements, the Archives and Special Collections must demonstrate due diligence in reasonable search and notification procedures.
- n. As part of its mission, the Archives and Special Collections makes its collections available to the general public through loan for exhibition in a number of venues. No object will be loaned for exhibition that will risk the integrity or stability of the item.
- o. The Archives and Special Collections establishes which items may be lent, and sets the terms under which it may be lent.
- p. Freed-Hardeman University Archives and Special Collections will be properly credited in the exhibition and in all supporting publications, when such publications have used University collections. It will do likewise for institutions who loan items to the University.

4) Implementation

In order to implement policies outlined above, the following steps are required:

- a. Establish authority and assign responsibility to approve, process, document, and monitor loans
- b. Establish criteria and procedures for lending and borrowing collections items
- c. Apply the provisions of the American Association of Museums and the Society of American Archivists guidelines specified in its borrowing activities

D. Documentation

1) Definitions

Documentation is the thoughtful, consistent, regulated and ongoing recording of the intellectual significance, physical characteristics, location and legal status of collection items, as well as the collections management processes and transactions they undergo and their use in educational programs and exhibitions. Documentation exists in many formats, including paper, electronic and multi-media. The value of documentation lies in its quality, integrity, comprehensiveness and potential for use for research and educational purposes.

2) Principles

The documentary value of the Archives and Special Collections demonstrates the usefulness of the Collections. Well-documented collections enhance the research, exhibition, and educational potential of the Collection. The Archives and Special Collections has a duty to acquire, develop, and maintain collection information in such a way that it enhances access to and accountability for its collections. The Archives and Special Collections achieves this by maintaining both computer and manual databases, implementing professional documentation standards and sharing that information between interested parties.

3) Policies

The following list outlines the Archives and Special Collections' policies regarding documentation:

- a. Any record-management system set in place must support the goals of accessibility and accountability in the Archives and Special Collections.
- b. Access to computer databases, image files, and manual records is controlled by written data access procedures.
- c. Non-commercial use of information by not-for-profit entities will conform to established standards. Commercial use of information by for-profit entities will also have established standards, and may be subject to the approval of the Board and review by general counsel.
- d. Provenance of acquired items is a matter of public record. Access to sensitive information, including donor and collector information, custody and physical location, intellectual property restrictions, security and requirements for restricted use, may legitimately be limited at the discretion of the Archivist and the conditions of the document of conveyance.
- e. All collections information will strive to comply with best professional standards as outlined by the American Association of Museums and the Society of American Archivists.
- f. Ownership and custody information must be recorded for all items.
- g. All information on collection items is the sole property of Freed-Hardeman University.
- h. All collections information must be maintained for long-term use according to archiving policy and standards.
- i. The responsibility for information protection and retention is the responsibility of the Archivist in consultation with the Office of Information Technology regarding storage of electronic information.

- j. Disputes over access to or use of collections information will be resolved by the Archives and Special Collections Committee.

4) Implementation

In order to implement policies outlined above, the following steps are required:

- a. Establish authority and assign responsibility for developing, managing and maintaining collections information
- b. Assign responsibility for developing and maintaining collections information management systems
- c. Establish documentation procedures that ensure quality, integrity, comprehensiveness, proper maintenance, management and dissemination of collections information
- d. Maintain information on each item's provenance, historical or aesthetic significance, legal status, and its use and management
- e. Promote the widest dissemination of information consistent with responsible stewardship
- f. Back-up copies of all collections information will be generated and stored at a secure, off-site location. Off-site location may not be in a person's home or personal storage facility.

E. Inventory

1) Definitions

Inventory is an information base containing sufficient information to allow retrieval of collections items. It is also the process of physically locating all or a selection of collections items. **Cyclical inventory** is a planned inventory of a representative sample of the collection, conducted according to a predetermined schedule.

2) Principles

Effective collections management relies on a system that supports decisions regarding collections use, growth, and management. Inventory can serve to deter and detect theft or loss, facilitates access and support

activities, and supports all Archives and Special Collections programs when accompanied with additional documentation.

3) Policies

The following list outlines the Archives and Special Collections' policies regarding inventory:

- a. Accurate records of collections items location information will be kept.
- b. A cyclical inventory plan will be established and approved by the Archivist.
- c. Maintain and update an inventory of all items on exhibition, on loan, or in storage.

4) Implementation

In order to implement policies outlined above, the following steps are required:

- a. Establish authority and assign responsibility for conducting, supervising, and approving inventories and reconciliation of collection records.
- b. Establish and implement an inventory process and a written inventory plan, appropriate to the size and scope of the collection.
- c. Establish procedures regarding the movement of collection items and their corresponding records in order to minimize theft or loss.

F. Risk Management

1) Definitions

Risk Management is the process of identifying and assessing potential harmful factors that would impede responsible collections management activities for the purpose of limiting the collections' exposure to risk.

2) Principles

All activities of the Archives and Special Collections expose the collections to some degree of risk or loss. Exposure to risk occurs when handling, exhibiting, loaning, shipping, or treating items. Potential

hazards include environmental and space deficiencies, deterioration, fire, human error, inherent vice, insects, mechanical or operational system malfunction, theft, and vandalism. The public trust fulfilled by our collection requires the University to assess the potential hazards facing the collection as a demonstration of prudent collections management.

3) Policies

The following list outlines the Archives and Special Collections' policies regarding risk management:

- a. The Archives and Special Collections will endeavor to minimize the collections' exposure to specific risk factors, including environmental deficiencies, fire, human error, insects, mechanical or operational system malfunction, theft, and vandalism.
- b. The Archives and Special Collections will seek to minimize the effects of inherent vice and deterioration on individual items.
- c. Effect management controls are the responsibility of the Archivist in consultation with the Library Director, general counsel, the Archives and Special Collections Committee, and outside expertise as required.
- d. The Archives and Special Collections staff must be aware of the University's Emergency Preparedness and Crisis Management Plan and follow the mandates set forth in that document. Staff must communicate with the appropriate office situations that create the potential for damage or loss to collections, personal injury or legal liability.
- e. Risk management is coordinated through the Facilities Department and the Office of Business Services.
- f. Security is coordinated through the Office of Campus Security.
- g. Collections on loan to the University will be insured as stipulated in the loan agreement or negotiated contract.
- h. Insurance proceeds from the settlement of claims for damage to Archives and Special Collections items will be used for the

conservation and restoration of the specific collection item. Such proceeds may not be applied to purposes other than collection restoration or replacement. If received on account of a total loss of collection or in excess of the cost of conservation or restoration, proceeds will be designated only for collections acquisition in the Archives and Special Collections. Exceptions to this practice must be approved in writing by the University President.

- i. The Archivist will develop and maintain a disaster preparedness and response plan that includes planning, response, and recovery from disasters as well as evaluation and assessment following an incident. The plan will complement the University's Emergency Preparedness and Crisis Management Plan.
- j. All Archives and Special Collections personnel and appropriate support personnel—including, but not limited to, Facilities and the Chester County Police Department and Fire Department—will be trained in the elements of the disaster preparedness and response plan.

4) Implementation

In order to implement policies outlined above, the following steps are required:

- a. The Archivist and Library Director must establish authority and assign responsibility for risk management by incorporating applicable guidelines from the Emergency Preparedness and Crisis Management Plan into the Disaster Plan.
- b. Ensuring that collections are maintained in controlled areas that are adequately protected against fire, theft, vandalism, deterioration, and natural disaster.
- c. The Archivist and Library Director together with the Office of Campus Security must establish authority and assign responsibility for security activities in both normal and abnormal conditions.

- d. Establish authority and assign responsibility for developing, implementing and coordinating the written Disaster Plan.
- e. Provide storage environment appropriate to protect the collection from deterioration upon receipt of necessary resources in conjunction with appropriate facilities conditions for collections areas.

G. Access

1) Definitions

Access is the opportunity for the general public, scholars, and University employees to utilize the Archives and Special Collections resources of the University.

2) Principles

The Archives and Special Collections of the University are held for the benefit of the public trust. It is incumbent upon the University to allow access to the collection in order to fulfill its stated mission. Access to the collections is promoted through educational programs and publications, electronic information services, loan and exchange of collections, research opportunities, and traditional and electronic exhibitions.

3) Policies

The following list outlines the Archives and Special Collections' policies regarding collection and collection information access:

- a. The Archives and Special Collections will provide reasonable access to its collections and collection information consistent with its stewardship responsibilities. Physical and intellectual access to the collections must be balanced against preservation and protection concerns.
- b. In keeping with its stewardship responsibilities, the Archives and Special Collections will make every effort to control, monitor, and document access to and use of collections.

- c. Staff responsible for providing physical access to collections must be familiar with the collections and their preservation needs.
- d. Collections users are required to demonstrate willingness to comply with security precautions and other procedures. Access to collections may be denied to individuals who fail to demonstrate compliance. A written record of incidents will be created.
- e. Access to collections or collections information may be limited due to the applicable restrictions, chain of custody issues, cultural sensitivity, intellectual property rights, loan agreements, object availability, preservation constraints, resource limitations, and security.
- f. As a private, non-federal entity, Freed-Hardeman University and the Archives and Special Collections are not subject to the Freedom of Information Act.
- g. The Archives and Special Collections may charge a fee or royalty for granting permission to reproduce collection objects in books, journals, catalogues, magazines, websites, and similar scholarly commercial or general publications. Fees will be approved by the Library Director in consultation with the Archives and Special Collections Committee and University Archivist. All reproductions must be fully credited to the University unless an alternate written agreement exists.
- h. The Archives and Special Collections reserves the right to refuse any reproduction request if:
 - The circumstances of the reproduction would demean, alter the appearance of, or otherwise misrepresent the collection item involved and/or bring discredit to the University.
 - The reproduction would cause harm to the object.
 - The attribution of a collection item is in question.
- i. The Archives and Special Collections acknowledges that it may not hold reproduction rights to all of its collection items. In the

case where a potential user desires to reproduce the object, the Archives and Special Collection will make a good-faith effort to notify the potential user of the rights holder. The Archives and Special Collections will not assume responsibility for obtaining permission to reproduce an object on behalf of a third party.

- j. Private individuals are allowed to photograph materials on display when the collection materials belong to the University and when preservation concerns allow it.
- k. Electronic access to collection documentation should be based on traditional principles guiding access to original objects and documents, and should serve to enhance the Archives and Special Collections' stated mission. Electronic material is subject to the same restrictions covering physical access and use of collections. Collections material obtained through electronic means may not be used for illegal or unethical purposes.
- l. The Archives and Special Collections holds in its custody items that it does not own. Access to loaned items or items in temporary custody shall be governed according to the terms of a written agreement between the lender and the borrower.
- m. Collections and collection documentation created as a result of research conducted by Archives and Special Collections staff may be considered University property.
- n. Researchers and users of collections must acknowledge or credit the Freed-Hardeman University Archives and Special Collections for providing information or collection access.

4) Implementation

In order to implement policies outlined above, the following steps are required:

- a. Establish authority and assign responsibility to control, monitor, and document and provide access to physical collections and collections information.

- b. Establish policies, criteria and procedures for permitting responsible access to physical collections and collections information.
- c. Establish written procedures and guidelines regarding proper use, handling, and security of collections information.
- d. Establish policies, criteria, and procedures for restricting access to the collections.
- e. Establish appropriate policies and procedures for providing permission to publish or reproduce objects in collections ensuring authorities and responsibilities are clearly designed.
- f. Establish what the credit line will be.

H. Collections Care

1) Definitions

Collections Care is the range of activities designed to provide routine maintenance to the collection.

2) Principles

Collections care relies on preventative maintenance to limit a collection object's exposure to risk. Routine care assists the overall actions of the Archives and Special Collections by ensuring the strategic use of resources and providing access to collections and collections information. Collections care activities include cleaning, condition reporting, digitizing, handling, marking, monitoring for pests and other environmental hazards, numbering, photographing, preparing for exhibition, shipping, and storage.

3) Policies

The following list outlines the Archives and Special Collections' policies regarding collections care:

- a. The Archives and Special Collections will make every effort to provide collections care in keeping with best practices and resources allotted.

- b. The Archives and Special Collections will document routine collections care activities.
- c. Only the Archives and Special Collections Staff may conduct collections care activities. Staff responsible for the daily oversight of the collection must be familiar with the proper techniques for conducting all collections care activities. They must demonstrate willingness to comply with stated procedures regarding collections care.
- d. The University does not own all items in its custody. Items on loan or in the temporary custody of the Archives and Special Collections will be afforded collections care equal to items owned by the University. Any care procedures required by an object that are not covered in the Collections Management Procedures Manual must be agreed upon between the lender and the borrower.
- e. The Archives and Special Collections must ensure that any object sent out for loan will receive collections care comparable to the care received at the University.
- f. If an item is discovered to require more extensive care and expenditure of funds than standard procedure, the Archivist will propose a plan of action to the Archives and Special Collections Committee for review.
- g. Sampling and destructive analysis of collections items is a legitimate function of collections management, and is not considered to be in conflict with principles of collections care.

4) Implementation

In order to implement policies outlined above, the following steps are required:

- a. Establish authority and assign responsibility to control, monitor and document collections care activities.
- b. Establish written criteria and procedures for conducting daily collections care activities.

- c. Establish guidelines and protocol for having conservators, preparators, appraisers, shippers, and any other non-University personnel assess collection needs.

I. Specific Legal and Ethical Issues

1) Definitions

Freed-Hardeman University Archives and Special Collections acquires, holds, and manages objects that are subject to particular legal and ethical principles. This document will address the two most significant groups of legal and ethical principles: **Intellectual Property Rights** and **Cultural Property Rights**.

a. Intellectual Property Rights

1. Definitions

Intellectual Property Rights are those rights and protections based on federal or state statutes such as patent, trademark, copyright, privacy, and publicity.

2. Principles

Freed-Hardeman University both holds and uses intellectual property, and therefore seeks to protect the integrity of its collections and collections information and promote wide access to collections for educational purposes. Intellectual property rights are distinct from the actual right to possess an item. Holders of the intellectual property may place limitations upon the use of the image of and content within the collection item. The Archives and Special Collection's ability to use the intellectual property may be subject to rights held by others. At the time of acquisition, it may be unclear who the correct owner of the intellectual property is. The staff of the Archives and Special Collections will make a good-faith effort to identify the rights-holder at the time of acquisition.

3. Policies

The following list outlines the Archives and Special Collections' policies regarding intellectual property rights:

- a. Archives and Special Collections will comply with the University policy 1.9.4, Intellectual Property.
- b. Freed-Hardeman University and the Archives and Special Collections will not infringe on intellectual property owned by another party. A good-faith effort by the staff to determine the rights-holder will be documented. The Archives and Special collections staff will adhere to all statutes of the University in exercising control over intellectual property.
- c. Reproductions of University-owned items for general University purposes will rely on the doctrine of fair use. Fair use assessments will be made on a case-by-case basis by the Archivist or Archives and Special Collections Committee when necessary.
- d. Fees may be charged for reproductions of University-owned items for non-University purposes, in accordance with a fee schedule drafted by the Archives and Special Collection staff and subject to review and approval by the President.
- e. Freed-Hardeman University may not claim intellectual property rights to any collection item deaccessioned and disposed of, unless such rights are expressly retained by the University and mutually agreed upon by the recipient in writing at the time of the transfer.

4. Implementation

In order to implement policies outlined above, the following steps are required:

- a. Amend this document as the University's Intellectual Property policy is amended.

- b. Establish authority to approve permissible use of collection information and images and assign responsibility for rights management.
- c. At the time of acquisition establish in writing what intellectual property rights are also transferred to the University. In the case that intellectual property rights are not transferred to the University, establish in writing who holds the property rights and what protocol should be followed in order to use those rights.
- d. Establish policies and procedures for handling and documenting requests to use protected intellectual property.
- e. Determine what a permissible use of intellectual properties is, and establish a fee schedule for non-fair use of rights.
- f. Maintain up-to-date documentation concerning intellectual property rights and make them accessible for future Archives and Special Collections' staff to have accurate information.
- g. Ensure that collections records are consulted regarding possible restrictions or prohibitions concerning the use of intellectual property.

b. Cultural Property Rights

1. Definitions

Cultural Property Rights encompasses those rights and statutes designed to regulate the unlawful trade of cultural property, including art, antiquities, national treasures, and ethnographic materials.

2. Principles

Freed-Hardeman University Archives and Special Collections accepts materials and documents for acquisition from a variety of sources, including international visitors, foreign missionaries, and individuals federally-recognized as Native American (as dictated

by the Native American Graves Protection and Repatriation Act of 1990). The illicit trade in cultural property does not uphold the goals or standards of Freed-Hardeman University. Objects or documents that have been stolen, unscientifically excavated, or unethically acquired should not become part of the Archives and Special Collections. Additional legal or professional precedents that will determine those items that are or are not in compliance are the American Association of Museum's guiding document "Unlawful Appropriation of Objects during the Nazi Era" (as amended 2001), the Antiquities Act of 1906, and the Archaeological Resources Protection Act of 1979. The principles of the National Historic Preservation Act of 1966 will guide the acquisition and management of architectural collections.

3. Policies

The following list outlines the Archives and Special Collections' policies regarding cultural property rights:

- a. The Archives and Special Collections must determine the provenance of items, and the nature of previous transactions involving the item before acquisition. Items determined to be in violation of state, federal and international guidelines on the movement of cultural property will not be accepted for acquisition until the matter is resolved.
- b. All acquisitions must comply with state, federal and international guidelines. Compliance must be documented in writing.
- c. Loans of collections items to the University will not be accepted if there is any question regarding the object's provenance or the owner's claim to title.

- d. Provenance of collection items is a matter of public record, with the recognition that such records may be reasonably protected from non-approved access.
- e. Items related to extant cultural groups shall be managed in a sensitive, respectful manner.

4. Implementation

In order to implement policies outlined above, the following steps are required:

- a. Establish authority and assign responsibility for ensuring compliance with all statutes related to trade in cultural properties.
- b. Prescribe criteria and procedures for managing objects whose cultural property status is determined to be in question.