

Cleaning House: A Guide to Deaccessioning and Abandoned Property

By Allie Rico

Museums today are in a constant state of flux. They change with society, collecting tangible evidence of this transformation as it occurs through time. But museums are not static entities. They must be allowed to evolve as priorities shift and visitor interests morph. Struggling to meet the demands of a new generation of visitors, today's museums—particularly history museums—are faced with the challenge of reinterpreting and reimagining collections in new and inspiring ways. Additionally, these museums are working to reshape their collections to better fit their missions and collecting policies.



A Chippendale chair in the Naples room at the Cambridge Historical Society.

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Daniel Casey

The Cambridge Historical Society was founded in 1905, and since 1957 has been located in the Hooper-Lee-Nichols House at 159 Brattle Street.

Evolving to meet new and developing trends should involve a thoughtful scan of the museum’s collection. Distilling a collection should lead to deaccessioning objects that no longer—or in many cases never did—serve to further the museum’s mission. While many museum professionals may know the definition of deaccessioning, it serves to restate it. Deaccessioning is the “[formal] process of removing an accessioned object or group of objects from the museum’s collections.” This process is an essential component of any strong collections management policy.¹

Deaccessioning Procedure

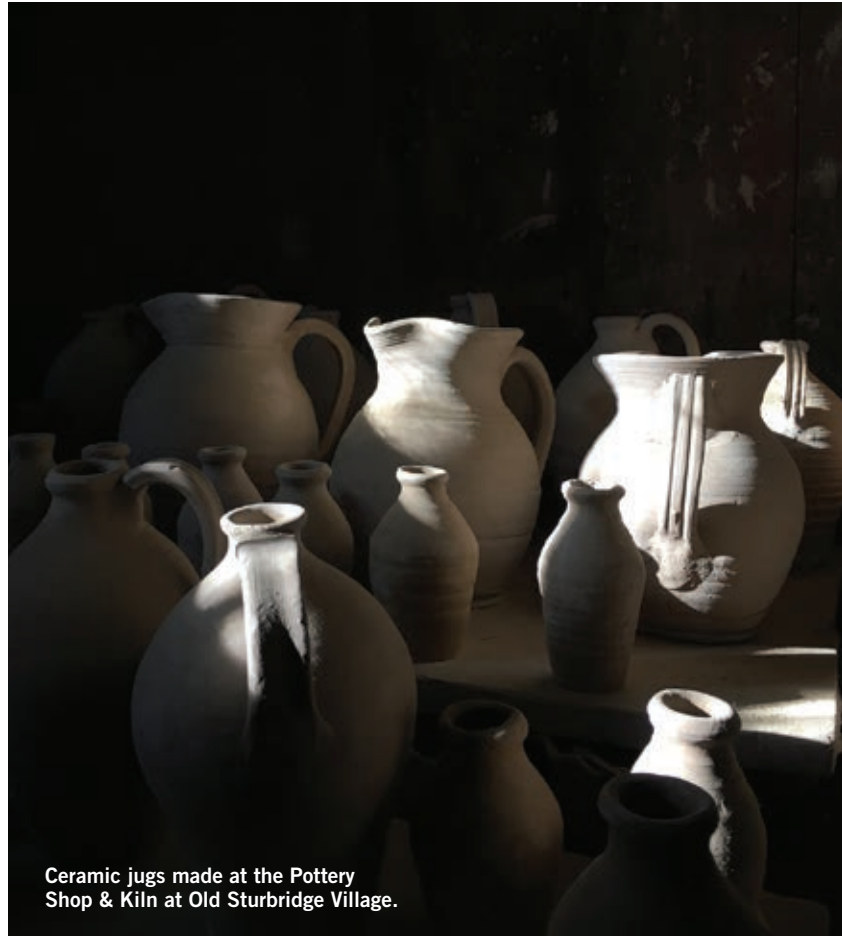
A thorough, well-written deaccessioning policy is just as important as a thorough acquisitions policy. If staff know why their museum collects what it collects, they will have a better idea of why objects are chosen to be deaccessioned. Never fear: writing a deaccessioning policy doesn’t require starting from scratch! Collegial efforts have made the process of writing these policies less intimidating. Not only have many museums made their policies available through AAM, AASLH, and other professional groups, oftentimes staff from other museums are willing to share their internal documents with colleagues, and will offer assistance when drafting new documents. (For example, the Shiloh Museum of the Ozarks has shared its deaccessioning policy on AASLH’s website.)²

The critical part of the deaccessioning policy is, of course, the procedure. A comprehensive procedure will help current and future staff work their way through the deaccessioning process, and will be useful in the event that a deaccession is challenged or questioned. If staff can point to a thorough and board-approved procedure, they can show that due diligence was followed during the deaccessioning process.³

The deaccessioning procedure should start with ensuring your museum can show proof of this due diligence. Once staff has selected and set aside collections objects to be deaccessioned, each object should be thoroughly researched. Depending on the size of your institution, this might be done by a collections manager, registrar, or curator (or one person performing all three roles). Provenance research to document the life of the object prior to acquisition is particularly important. Examine your accession records or proceedings to determine when objects were accepted into the collection. Donor history, possible reasons for accession, and any further research into the object may also be necessary, depending on how thoroughly the object was initially documented when it first entered your collection. A provenance research form can come in handy to help organize this research for future use.

Next, ensure the museum has clear title to every potential deaccession. For older museums and historical societies, this can often involve researching loans with little documentation, and objects found in the collection. Many historic museum collections have these poorly documented objects in their collection simply due to the age of the museum. Luckily, most states in the U.S. have statutes that specifically deal with the disposition of museum property, which will prove helpful when attempting to clear title to undocumented objects. If you're considering starting a deaccessioning project, become familiar with your local abandoned property laws and confer with colleagues at other institutions on how to best approach these materials. If you can afford to do so, consulting with a lawyer familiar with property law is an even more ideal solution.

While you are researching the provenance of these potential deaccessions, start considering alternative homes for the objects in question. Think about other area museums. What are their col-



Ceramic jugs made at the Pottery Shop & Kiln at Old Sturbridge Village.

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lections like? What are the stories they try to tell through their objects and exhibits? Taking this route not only promotes collegiality between museums, but shows an honest attempt to keep potential deaccessions in the public domain. Museums have an ethical

responsibility to share objects, not hoard them. This idea of sharing can be extended to a permanent deaccession to a museum that has the resources and mission to fully utilize the object in question. Keep track of all correspondence regarding the transfer of objects between museums for future reference. And in that regard, make sure to save everything relating to deaccessioning an object: every email, letter, and form that you work on.⁴

Additionally, consult an outside opinion when considering objects for removal from the collection. Often, an object may appear to be of little or no value to a curator or collections manager, but an outside perspective could provide an alter-

AASLH has posted a sample deaccession recommendation form from the Historical Society of Central Florida at go.aaslh.org/Deaccession.

Forms like this ensure that you have followed proper procedure for choosing to deaccession these objects, and makes approval from the board and committees easier.

native way of viewing an object within the context of the museum’s mission. This outside opinion can come from colleagues at other institutions, and from the members of your collections committee.

Document the reasons an object might be deaccessioned, and list those in your deaccessioning policy. These reasons seem to be standard across the field. When deciding to deaccession from your collection, the object could be:

- outside the scope of your collecting policy or no longer relevant to your mission
- a duplicate of other objects
- unable to be properly preserved, in poor condition, or causing a risk to the collection
- lost, damaged, or beyond reasonable repair

When noting your reasoning on a deaccession form, elaborate on each cause as it fits each object. Is an object causing risk to the collection because of a potential insect infestation? Say so in your recommendation. The more specific and descriptive you can be in your recommendations to your collections committee and board, the better your argument will be.

Once you have researched your potential deaccessions, each deaccession recommendation needs to be approved. Typically, this approval first comes from the collections committee, and then from the board. Create a deaccessioning recommendation form for each object. It should include:

- Object name and accession number
- Donor information (if available)
- Reasons for deaccessioning
- Method of deaccession (donating to another museum, public auction, destruction, etc.)

Abandoned Property

Abandoned property is endemic to the museum field, and it is important to understand the abandoned property laws in your state before embarking on a deaccessioning project. Many small state and local history museums have objects that have been in the collection seemingly forever, but nobody is quite sure where these objects came from. It is the responsibility of the registrar or collections manager (depending on the size of your institution) to reconcile all issues

of title before any forward progress can be made on a deaccessioning project.

There are typically two types of abandoned property found within a museum’s collection: old loans (often called unclaimed loans) and objects “found in the collection” (FIC).

Often, it is beyond the means of the museum to do research to find living heirs to old loans, as this requires extensive time and financial investment. It is important to thoroughly research how the museum documented loans. Sometimes, older museum records will use the term “permanent loan,” which can often imply the object was given as a gift to the museum.⁶

It’s important to note that old loans do not include undocumented objects or objects found in the collection. After a thorough collection inventory, undocumented objects can sometimes be reconciled and returned to their original status (permanent collection, loan, gift). However, objects labeled FIC are those that, after thorough research, the museum is still unable to determine the object’s original status within the collection. With FIC’s, though, the burden of proof rests with the claimant, to provide evidence that they are in fact the legal owner of the object.⁷

All museums deal with undocumented objects found in the collection, simply due to the age of most U.S. museums and the relatively recent professionalization of the field. It is only the past few decades that the museum field has begun using unified methods of documentation and training; as such, older objects suffer from a lack of proper cataloging and documentation.⁸

The best way to rectify this situation (before embarking on your deaccessioning project) is to do a complete collections inventory. This is time- and staff-intensive, and often put off to complete other tasks; however, it is an important part of healthy collections management, and absolutely critical if you plan to work on deaccessioning. A complete inventory can seem daunting, but if you are short of staff and time (as so many of us are), doing spot inventories can help you make slow progress toward a complete collections inventory, and will allow you to still be thoughtful about your collections. At the end of the inventory, when all FIC’s are documented, the museum will be in a better position to deaccession

Old loans are expired loans, or loans of unlimited duration left unclaimed by lenders at the museum. The term includes unclaimed objects left at the museum under informal custody arrangements for study or examination by museum staff.

Found in collection are undocumented objects that remain without status after all attempts to reconcile them to existing records of permanent collection and loan objects are completed.⁵



Henry and Lance, two resident oxen at Old Sturbridge Village, a living history museum in central Massachusetts.

these objects due to their “undisturbed nature” in the museum—meaning, because nobody has come forward to claim the objects in question, it is more than likely that the objects belong to the museum.⁹

As the museum field becomes more professionalized, and more institutions improve collecting practices, museum professionals have found themselves looking to abandoned property laws to determine how to deal with unclaimed loans, undocumented objects, and objects found in the collection. Luckily, most states now have statutes that specifically deal with the disposition of museum property (the Registrars Committee of the American Alliance of Museums has a complete listing as of 2013 at www.rcaam.org/resources/general-reference). This type of legislation is crucial for effective collections care, as the objects in question are rarely of high value, but most often are abandoned or idly collected furniture and other odds and ends that end up accumulating in storage.¹⁰

Massachusetts Law on Museum Property

Each state statute will vary, so it is impossible to discuss them all here. However, there are similarities

that are shared among the statutes. Research your own state and local statutes before moving forward on any deaccessioning project as these examples may not apply where you are.

Here is an example of how this works specifically in Massachusetts. A notice to the lender should be sent via Certified Mail. It should include the following:

1. A description of the object(s) in question
2. The date or approximate date the object arrived at the museum
3. How to contact the museum regarding the object.

If the museum cannot get in touch with the lender (usually because the address is no longer valid), a public notice must be published in a local newspaper. Some museums, like the Worcester Art Museum, post a list of abandoned property on the Web. Doing this can increase the visibility of the abandoned property notifications.

Many statutes will also discuss emergency conservation with regard to abandoned property. You’ll want to check your local statute for specifics, but overall, it’s a good idea to make a record of any and all emergency conservation methods used on an unclaimed object, and include that record in the object file. Some

statutes, like the Massachusetts statute (MA General Laws, Part II, title II, chapter 200B), include disposal of the object as a measure of emergency conservation, but this is only if the object poses a health risk to staff, the collection, or the general public. If this situation arises, follow normal deaccessioning procedures, making record of the object’s rapidly deteriorating state and imposed health and safety hazards.¹¹

Of course, sometimes your abandoned property is a loan that was left in your museum. In this case, there’s a better chance the museum will have a record of the loan, hopefully with the contact information of the lender. You would send a Certified Mail letter with the same information as previously mentioned. This method confirms delivery. Why is this important? If the letter is successfully delivered and the lender does not claim his or her property after a certain amount of time (in Massachusetts, the limit is one year), the museum will acquire title to the object. Keep copies of all correspondence, including the letter and return receipt, as proof of due diligence.

It is possible that your local statute has a section discussing poorly documented property held at a museum. Section five of the Massachusetts law reads: “Property in the possession of a museum for which the museum does not know, and has no reasonable means of determining, the identity of the lender or claimant shall become the property of the museum if no person has claimed the property within 7 years after the museum can document the museum’s possession of the property. The museum shall become the owner of the property free from all claims on the day after the 7-year period ends. This section shall not apply to stolen or confiscated property.”¹²

You might find that many of the objects in your collection (especially if you work at an older museum) have the donor’s name listed in the accession records, along with a relative date of donation. This is good information to have, because it establishes (at least in Massachusetts) the concept of “reasonable means.” Trying to find the descendants of each donor for objects originally donated in the nineteenth or early twentieth century would be time-consuming, and more than likely require assistance from a genealogist. Engaging in this kind of research goes far beyond the concept of “reasonable means” and can be cost-prohibitive.

Having a relative date of donation recorded in accession logs or society proceedings is extremely helpful in regards to the “seven-year rule” in the

Massachusetts statute. This requires research into the museum’s object files and documentation, but if you’re planning on deaccessioning objects, you’ll be doing this research already. If your museum has an object inventory slip, photographs, object records, or entries in the museum’s ledgers or proceedings, with a date of the object entering the museum’s possession, the museum can take title to the object one day after the seven-year mark.

Hopefully, there have been inventories done of your collection since objects were first collected.

These inventories will serve as further proof of your

object’s undisturbed nature within the collection. Many statutes focusing on abandoned property in museums will contain a section discussing legal action brought against museums by claimants to property within a museum. In Massachusetts, action cannot be brought against the museum more than two years after the date the museum provided

notice to the lender. In other states, the length of time may be different. Seek out legal counsel if such an action is brought against your museum. This is why it’s important to document every step of your deaccessioning project.

Keeping lenders aware of the law in your state is the responsibility of the museum. Some statutes require it, but even if it is not required, it is wise to provide lenders with a copy of your local statute at the time a loan agreement is made, so all parties are clear on the responsibilities of the museum and the lender. Make sure your museum holds onto loan agreements in perpetuity. A lack of loan agreements is what places most museums in the position of dealing with unclaimed and undocumented property. Now that record-keeping and databases are used throughout the field and employees are better trained, keeping loan agreements should mitigate most property issues in the future.

The problem of abandoned property in museums is universal; the size and scope of the problem varies by institution. Registrars and collections managers need to be acutely aware of their current unclaimed loans, and ensure that new objects coming to the museum do not suffer the same fate. It is important that museum employees acknowledge the state of abandoned property within their collections, and set up a plan for diligently working towards remedying the status of these objects. Deaccessioning, and the methodical process required to do it correctly, forces museum employees to thoughtfully consider the relevance and usefulness of every object in their col-

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The Weave Room at the Boott Cotton Mills Museum, part of Lowell National Historic Park.

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lection. How does each object help tell the museum’s story? How can it be best interpreted? What are the strengths of each object within the context of the rest of the collection? If you struggle to answer these questions for certain objects, you might need to consider deaccessioning them.

It’s important to keep in mind that museums are not an objective record, but a biased accumulation of objects collected by the museum’s founders. By creating a thorough deaccessioning plan and procedure, you will set your museum and staff up to have a greater sense of why you collect what you collect, and why you choose to deaccession select objects.¹³

AUTHOR’S NOTE/DISCLAIMER: This leaflet should in no way replace obtaining legal advice or counsel if seeking assistance on a deaccessioning project or other abandoned property issues. This is an academic analysis of the law from a non-legal perspective, and should not be taken as legal advice or opinion.

I strongly recommend you consult both *A Legal Primer on Managing Museum Collections*, by Marie Malaro, and *MRM 5: Museum Registration Methods*, by Rebecca S. Buck and Jean Allman Gilmore, before moving forward with a deaccession project.

Resources

Historical Society of Central Florida, Sample Deaccessioning Recommendation form: resource.aaslh.org/view/sample-deaccession-recommendation-form.

Registrars Committee, American Alliance of Museums *Abandoned Property Laws by State*: www.rcaam.org/resources/general-reference.

Shiloh Museum of Ozark History, Sample Deaccessioning Policy: <http://resource.aaslh.org/view/sample-deaccession-policy>.

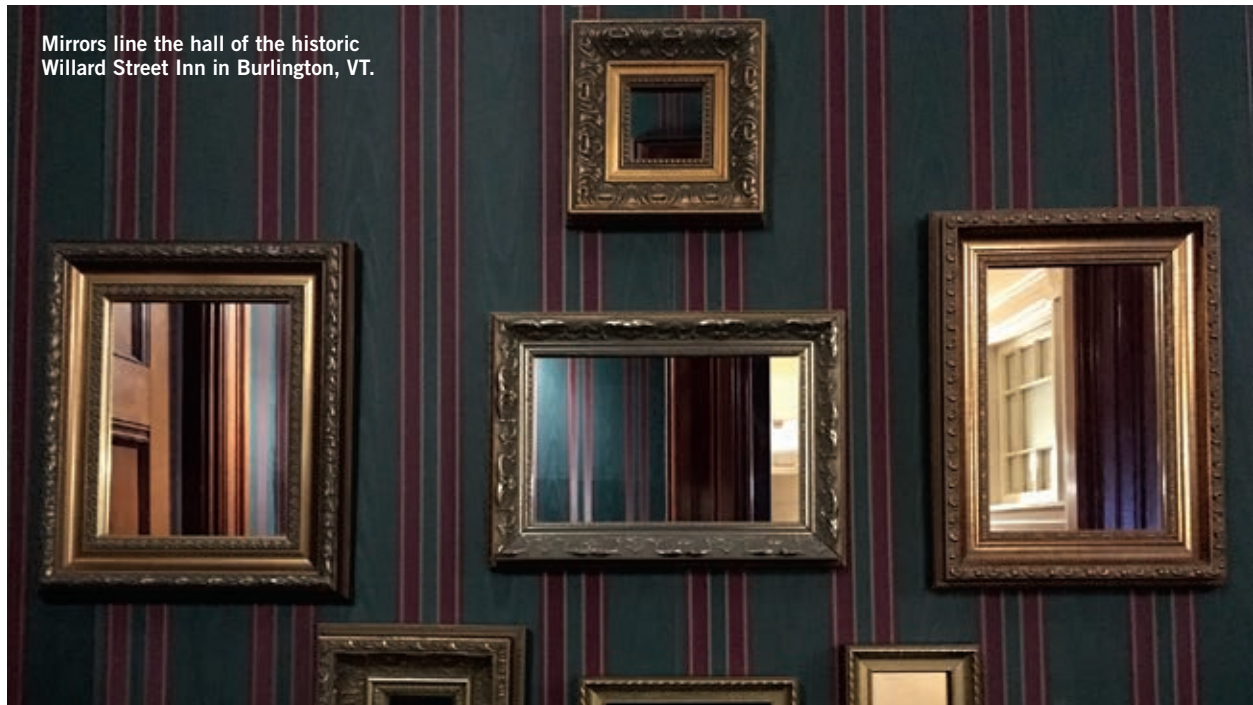
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Mirrors line the hall of the historic Willard Street Inn in Burlington, VT.

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¹ Elizabeth E. Merritt, *National Standards and Best Practices for U.S. Museums* (Washington, DC: American Association of Museums, 2008), 88.

² Stephen Weil, "Deaccessioning Practices in American Museums" in *Rethinking the Museum* (Washington, DC: Smithsonian Institution, 1990), 109. See the sample policy at resource.aaslh.org/view/sample-deaccession-policy/.

³ Marie C. Malaro, *A Legal Primer on Managing Museum Collections*, 2nd ed. (Washington, DC: Smithsonian Institution, 1998), 225.

⁴ Personal interview, Nathaniel Sheidley, Ph.D., March 7, 2016.

⁵ Jean A. Gilmore and Rebecca A. Buck, eds., *MRM5: Museum Registration Methods*, 5th edition (Washington, DC: American Association of Museums, 2010), 483, 485.

⁶ Ildiko Pogany DeAngelis, "Old Loans," in *MRM5: Museum Registration Methods*, 89.

⁷ Rebecca Buck, "Found-In-Collection," in *MRM5: Museum Registration Methods*, 109.

⁸ Malaro, *A Legal Primer on Managing Museum Collections*, 356.

⁹ Rebecca Buck, "Found-In-Collection," in *MRM5: Museum Registration Methods*, 114.

¹⁰ Registrars Committee of the American Alliance of Museums, "Legislation Related to Museum Property/Disposal of Museum Property/Abandoned Property" (Washington, DC: American Alliance of Museums, July 2013).

¹¹ Mass. Gen. Laws ch. 200B, §18 (2010).

¹² Ibid.

¹³ Maurice Davies and Helen Wilkinson, *Sustainability and Museums: Your Chance to Make a Difference* (London: Museums Association, 2008), 4.