

Public Art of the University of Houston System Operating Procedures Manual

I. Public Art Mission Statement

Public Art of the University of Houston System (Public Art UHS) engages academic and global communities in an open forum to promote dialogue about visual arts and its relevance to contemporary life.

Through robust programing, publications, research and a permanent collection of significant publicly accessible works of contemporary art, it enriches the cultural and intellectual character of the University of Houston System and reflects and connects its uniquely diverse audiences.

II. Background of Public Art of the University of Houston System

Public Art UHS is the oldest arts organization within the University of Houston System, the fourth-largest university system in Texas. Through robust programing, publications, research and collection, it serves diverse communities throughout greater Houston and South East Texas as well as stakeholders including more than 70,000 students and nearly 10,000 faculty and staff from four distinct universities: University of Houston, University of Houston-Downtown, University of Houston-Clear Lake, and University of Houston-Victoria.

Public Art UHS oversees the permanent collection of the four UH System universities, which is one of the most significant university-based public art collections in the United States. Its programs and collection also span additional instructional sites in Sugar Land (UH), Pearland (UHCL) and Katy (UH/UHV), making art available to millions of Texans.

In 1966, the University of Houston (UH) Board of Regents voted to establish a policy that would dedicate one percent of the construction costs of all future building projects to acquire works of art. At the time, UH was undergoing an unprecedented construction boom, and the public art program was conceived to greatly enhance campus life as well as the prestige of the university at a local, regional and international level. In 1969, the state of Texas ratified the necessary legal framework for enabling the funding of public art from construction projects (currently not to exceed 1% of construction budgets). The University of Houston then became the first public university in Texas to formally adopt a percent for art program. More than 50 years later, Public Art UHS has matured into one of the most significant public art collections in the country.

III. Public Art UHS Committees

The University of Houston System-wide Public Art Committees function in an advisory capacity to the University of Houston System Board of Regents (BOR) to aid in the building Public Art UHS's remarkable collection of 20th- and 21st-century art for all universities in the University of Houston System. Public UHS is advised by two committees: a Public Art National Advisory Committee, and a Public Art Curatorial Committee.

Public Art UHS Curatorial Committee

The Public Art UHS Curatorial Committee consists of 12-15 members who are internal to the University of Houston System. The Committee reviews, advises, and makes recommendations on Public Art UHS's curatorial and programmatic activities to ensure alignment with the mission and goals of the University of Houston System, its campuses, and the McGovern College of the Arts. Each committee member acts as a liaison between Public Art and their own division, assisting Public Art in building relationships across the University of Houston campuses and increasing internal awareness of Public Art goals and activities.

The Curatorial Committee meets twice per year: once in September and once in January. If a critical, time-sensitive project arises between these two meetings, the Director and Chief Curator may convene the Committee virtually for review of the project.

Each committee member may be called on to convene a meeting between Public Art UHS and their division in order to gather input and feedback from each division on Public Art projects.

The Public Art UHS Curatorial Committee is structured as follows:

1. Dean of the Kathrine G. McGovern College of the Arts
2. Director and Chief Curator, Public Art UHS
3. Faculty Member from Studio Art Program
4. Faculty Member from Art History Program
5. Director of the School of Art or appointed representative
6. Director of the Blaffer Museum of Art or appointed representative
7. Director of the Cynthia Woods Mitchell Center for the Arts or appointed representative
8. System Representative from UH-Downtown
9. System Representative from UH-Clear Lake
10. System Representative from UH-Victoria
11. Representative from Facilities/Construction Management
12. Representative from the Division of Advancement and Alumni
13. Representative from the Division of University Marketing and Communications
14. Representative from the College of Liberal Arts and Social Sciences
15. Representative from the Gerald D. Hines College of Architecture and Design

The Director and Chief Curator of Public Art UHS shall serve as the committee chair.

The Curatorial Committee shall have the following responsibilities:

1. Review artists selected for curatorial projects by the Director and Chief Curator of Public Art UHS and designated staff.
2. Review proposed locations of artworks, commissions, acquisitions, and gifts. Sites for artworks shall be identified during the planning or early development stages of a construction or curatorial project by the artist and the Director and Chief Curator, in consultation with Facilities & Construction Management staff, campus master plan

committees, and other appropriate stakeholders. Existing campus sites unrelated to construction project locations may also be identified for artworks. Such sites will be reviewed with consideration of their alignment with UHS universities' master plans. To ensure that Curatorial Committee members are apprised of current master plan activities, a presentation of System university master plans should be made once per academic year.

3. Review proposal phasing and design,
4. Uphold criteria for selection of artworks that shall include the following:
 - a) Connection with the Mission, Strategic Plan, and Collection Development and Acquisition Plan;
 - b) Appropriateness to the location;
 - c) Artistic excellence;
 - d) Probability of completion within timeline;
 - e) Durability;
 - f) Ability to accomplish, fabricate and install artwork within project budget;
 - g) Support from key stakeholders;
5. Act as a liaison between Public Art UHS and members' own divisions.

Public Art UHS National Advisory Committee

The Public Art UHS National Advisory Committee consists of 10-12 members who are external to the University of Houston System. The Committee reviews and offers insight into the curatorial and programmatic plan as overseen by the Director and Chief Curator and the Curatorial Committee. Each member serves as an ambassador and champion for Public Art UHS.

The National Advisory Committee shall be comprised of members of the local, regional, and national arts community with an interest in the University of Houston System, its public art collection, and its arts programs.

The National Advisory Committee meets twice per year following the Curatorial Committee meetings: once in September and once in January. Meetings will take place on the University of Houston campus, with an option to join virtually for national members who reside outside of Houston. If a critical, time-sensitive project arises between these two meetings, the Director and Chief Curator may convene the committee virtually for review of the project.

The Committee shall elect a chair from among its membership at its first meeting of the year.

The National Advisory Committee shall have the following responsibilities:

1. Consider how acquisitions, curatorial projects, and programming advance the reputation and standing of the University of Houston System, its campuses, and the McGovern College of the Arts locally, regionally, nationally, and internationally.
2. Provide insight into strategic partnerships and prospects to support the Public Art program and its funding priorities.

3. Advise and guide the cultivation of a Friends of Public Art UHS support group and its programmatic activities.
4. Foster and strengthen engagement opportunities for the development and growth of Public Art UHS.
5. Actively promote Public UHS's collection, programs, and activities within members' networks, with members serving as ambassadors and champions for Public Art UHS.

Additional information

These procedures are written in accordance with Section 444.029 of Texas Government Code (*Expenditures for Fine Arts Projects on Certain Public Construction Projects*) and UH System Board Policy 53.01 (*Works of Art*). As per Section 444.029 of Texas Government Code, artwork location "at or near the site of the construction project" is interpreted to mean campus-wide locations at each UH System university.

These procedures will be posted on Public Art UHS's web site and will be updated as procedures are revised by the Committee.

The Public Art UHS Committees will complete and publish annually a report of their activities, including compliance with procedure provisions. The Chair of the Committee is responsible for ensuring compliance with procedures in this document.

Changes to procedures of the committees may be recommended by committee members and reviewed by the committee membership. Following committee approval of the changes, the revised Operating Procedures Manual shall be submitted to the UH System Chancellor for review and approval, in accordance with UH System Policy 53.01.

Members of the Public Art UHS committees will be approved by the BOR, including full voting and any ex-officio members.

All of the procedures in this manual have been determined to be essential for the care and operation of Public Art UHS's Collection. Any non-compliance with procedures should be discussed with the committee chairs and a plan developed by the Director and Chief Curator and Chair to remediate the non-compliance.

IV. Policy Terms

The following policy terms will be used throughout this document:

- a. **Artist** is a person engaged in one or more of any of a broad spectrum of activities related to creating, practicing or demonstrating a self-conceptualized body of work with serious intent and ability.
- b. **Artwork** is executed by an artist in a variety of media such as but not limited to sculpture, painting, printmaking or photography or a performance.

- c. **Committee** means one of the University of Houston System-wide Public Art Committees.
- d. **Capital Construction Project** refers to any new building or the addition of square footage to an existing building. Total project costs must exceed \$1,000,000 for the 1% of public art revenue to apply. For facility renovation projects, total project cost must exceed \$5,000,000 for the 0.5% public art revenue to apply.
- e. **Director and Chief Curator** works with Public Art UHS staff, Public Art Committees and their chairs, Facilities Planning & Construction staff, and artists to facilitate projects and artist commissions, calls meetings, maintains the archives on all committee work and work in the collections and, in addition, coordinates all necessary conservation and maintenance, prepares necessary budgets, labeling and brochures for the collection.
- f. **Public Art Revenue:** For appropriation purposes, 1% for Art is based on the total cost of new construction. For appropriation purposes, the 0.5% for Art is based on the total cost of construction for facility renovations. Both as per III.d, above.

V. Policy and Process for Obtaining Public Art Revenue

In accordance with Board of Regents Policy 53.01.1, once quarterly, the Director and Chief Curator of Public Art will request a list of projects that meet the criteria for capital construction projects (as defined in this policy) and the corresponding public art allocation for each capital construction project. As per Policy 53.01.1, one percent of the construction costs for new buildings construction projects in excess of \$1,000,000 may be allocated for the acquisition of art and renovation projects greater than \$5,000,000 may be subject to a 0.5% allocation for the acquisition of art. Allocations for University of Houston capital construction projects will be transferred to the appropriate UH public art cost centers as budgets for these projects are created. Allocations for University of Houston System component universities will be transferred to the corresponding component university public art cost centers as capital construction projects are funded.

Allocations credited to each UH System university will be distributed between acquisitions, operations—including staffing, Collection education, communications, outreach—and all expenses for Collection maintenance and conservation. The Director and Chief Curator of Public Art is responsible for ensuring the appropriateness of transactions made to these cost centers and for monitoring and approving monthly reconciliations of public art transactions.

VI. Shared Art Stewardship Expenditures

For appropriate stewardship of its artwork assets and to safeguard the UH System investment, Public Art UHS will engage in system-wide contracts intended to steward its Collection artworks and the capabilities of the organization more broadly. The University of Houston and UHS universities share the cost of such conservation, site improvements, appraisal, inventory software, landscaping, art storage, and other necessary expenditures related to the on-going stewardship of the Collection. These expenditures are funded through the percent for art allocation from capital project at each UH System university.

VII. Other Acquisition and Gifts

Potential gifts of artwork to the University of Houston System to be displayed in public settings and to be used for other than study materials are subject to the same review as works acquired through the public art revenue procedure (Section VI) to insure that their artistic excellence meets the standards of the Committee and the University. Donor must supply a professional, third-party appraisal of the artwork.

In such situations Public Art UHS shall:

- a. Work proactively with University Advancement to acquire funds to complement the public art revenue, temporary art program and Public Art collection.
- b. Gifts of Art must be vetted by the Public Art UHS Curatorial Committee before being brought to the UHS Gift Acceptance Committee.

VIII. Transfer of Ownership

- a. Public Art UHS has adopted the professional standards, policies and the procedural rules that have been provided by the Association of the Art Museum Directors (AAMD), and these regulations are followed by Public Art UHS for any transfer of ownership of public art from the collection.
- b. The Curatorial Committee advises on transfer of ownership for UHS component Universities. This must be done with great thoughtfulness, care, and prudence. Expressions of donor intent should always be respected in deaccession decisions and the interests of the public, for whose benefit collections are maintained, and thus must always be foremost in making these decisions.
- c. No Public Art UHS collection transfer of ownership can occur without ascertaining the original terms of the gift or acquisition, without following current professional standards including those of the Association of the AAMD, or without the advice and guidance of the Curatorial Committee.
- d. There are a number of reasons why transfer of ownership or de-accessioning might be contemplated. Primary among these are:
 1. The work lacks value for exhibition or study purposes.
 2. The work is a duplicate that has no value as part of a series.
 3. The Public Art Collection's possession of the work may not be consistent with applicable law, *e.g.*, the work may have been stolen or illegally imported in violation of applicable laws of the jurisdiction in which the university is located or the work may be subject to other legal claims.
 4. The authenticity or attribution of the work is determined to be false or fraudulent and the object lacks sufficient aesthetic merit or art, historical importance to warrant retention. In disposing of or retaining a presumed forgery, the Public Art collection shall consider all related ethical issues including the consequences of returning the work to the market.
 5. The physical condition of the work is so poor that restoration is not practicable or would compromise the work's integrity or the artist's intent.

6. The work is no longer consistent with the mission or collecting goals of the University or UHS. Public Art UHS exercises great care in considering, revising or reformulating its mission or collecting goals.
 7. The work is being transferred or sold as part of the component university's effort to refine and improve its Public Art collection, in keeping with the collecting goals reviewed and approved by the Committee.
 8. The Public Art collection is unable to care adequately for the work because of the work's particular requirements for storage or display or its continuing need for special treatment.
- e. The final authority for transfer of ownership of works rests with the Director and Chief Curator.
 - f. The Director and Chief Curator shall exercise care to assure that the recommendations to the Committees are based on authoritative expertise.
 - g. Third-party review and appraisal may be considered in the case of objects of substantial value.
 - h. In the case of work(s) by a living artist, special considerations may apply.
 - i. The timing and method of transfer of ownership should be consistent with Public Art UHS' collection policy. Attention must be given to transparency throughout the process.
 - j. No member of a University of Houston System university's staff, or anyone whose association with the University of Houston System university may give them an advantage in acquiring the work, shall be permitted to acquire directly or indirectly a work, wholly or in part, by the System, or otherwise benefit from the sale or trade of any artwork in the System Public Art collection.
 - k. The following may be taken into account in selecting a method of transfer of ownership:
 1. Preferred methods of transfer of ownership are sale or transfer to, or exchange with another public institution, sale through publicly advertised auction, and sale or exchange to or through a reputable, established dealer. Every reasonable effort should be taken to identify and evaluate the various advantages and yields available through different means of transfer of ownership.
 2. In the case of a work of art by a living artist, consideration may be given to an exchange with the artist.
 3. When ownership of work is transferred, all electronic and paper records must be updated. Prior to transfer of ownership, an image should be taken of the work and retained in Committee records. As works are transferred, the method of transfer, including possible consignee, new owner, sale price and location, if known, should be recorded according to the UHS's Public Art collection management policy.

IX. Loan Policy

- a. Proposals for artwork loans are subject to the same review as works acquired through the public art revenue procedure (Section VI) to insure that their artistic excellence meets the standards of Public Art UHS and the University.
- b. UHS will actively pursue artwork loans that meet the goals of the Strategic Plan. Public Art UHS will include the following criteria in evaluating the acceptability of a loan item:

1. Quality of the artwork and its appropriateness in the context of present and future Public Art UHS collection. Loans of artwork must be judged by the same standards as commissioned artwork.
 2. Public Art UHS's ability to provide an appropriate site for the artwork.
 3. Public Art UHS's ability to provide for the safety and security of the artwork and of its audience.
- c. Artwork on loan to Public Art UHS will be reviewed on an annual basis and the lender may be asked to sign an annual renewal agreement. The lender will be furnished an annual condition report of the artwork.
 - d. A loan agreement and condition report will be prepared for each item of artwork accepted by Public Art UHS.
 - e. Loans made by Public Art UHS to other institutions will be considered by the Committees, current condition and site of artwork requested, Facility Report and certificate of insurance provided by the institution requesting artwork for loan and fees associated with packing, shipping and re-installation.

X. Conservation and Maintenance

Conservation priorities, schedule and a budget shall be established annually by the Director and Chief Curator and Curator and reviewed by the Committee. Priorities will be established based on available funding and artwork condition. A conservation schedule, established by a conservator will be followed according to recommendations for each artwork. The entire Public Art collection will be assessed annually for any conservation work needed or addressed more immediately if damage is noted. An annual conservation plan will be presented each September to the Committees.

XI. Ethical Procedures and Conflict of Interest

No member of the Committees shall profit financially or through receiving favors from any transaction involving the sale, resale, gift, loan, or exchange of any artwork to the University of Houston System.

XII. Review of Policy

A formal review of these Operating Procedures should occur every three years, or as needed.